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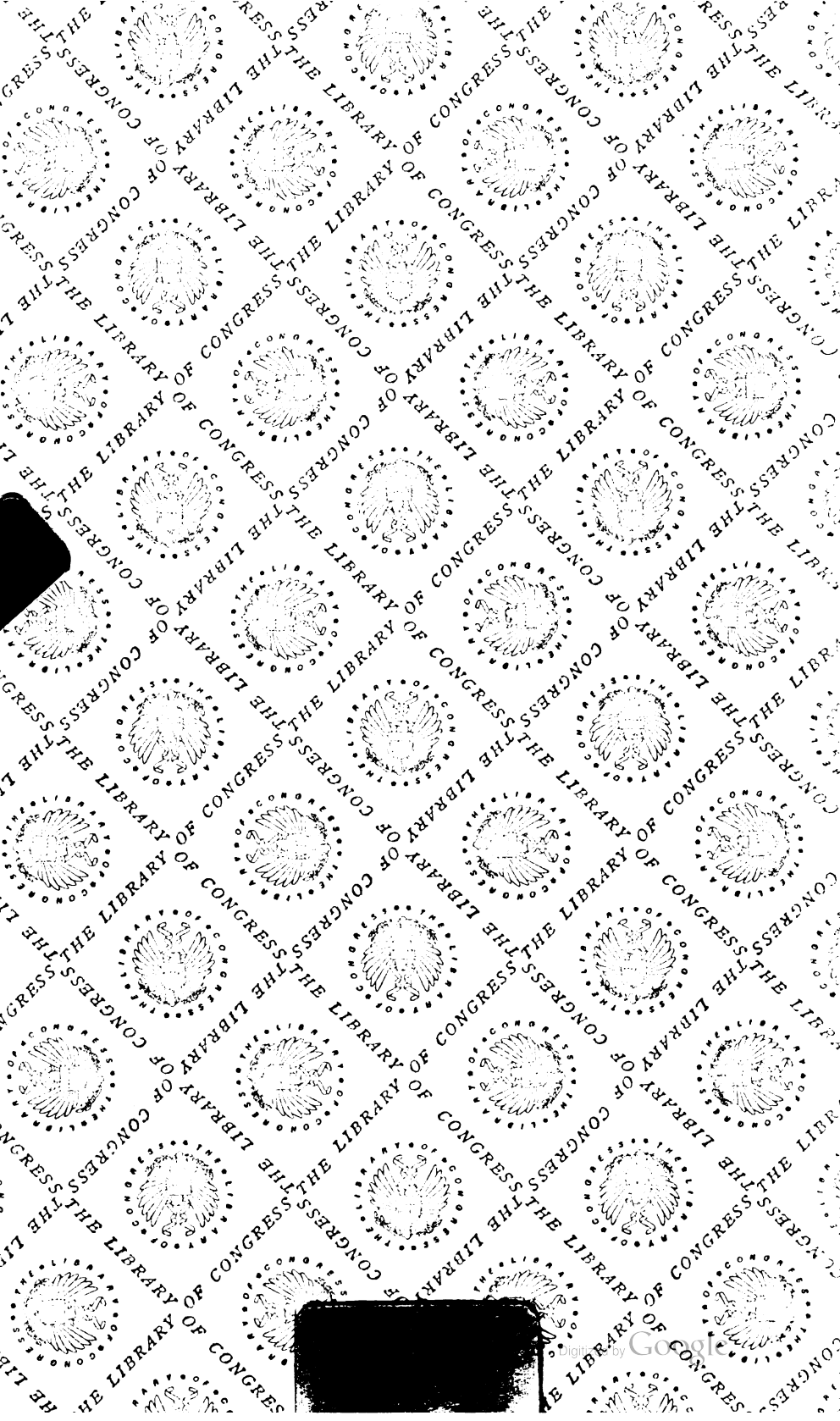
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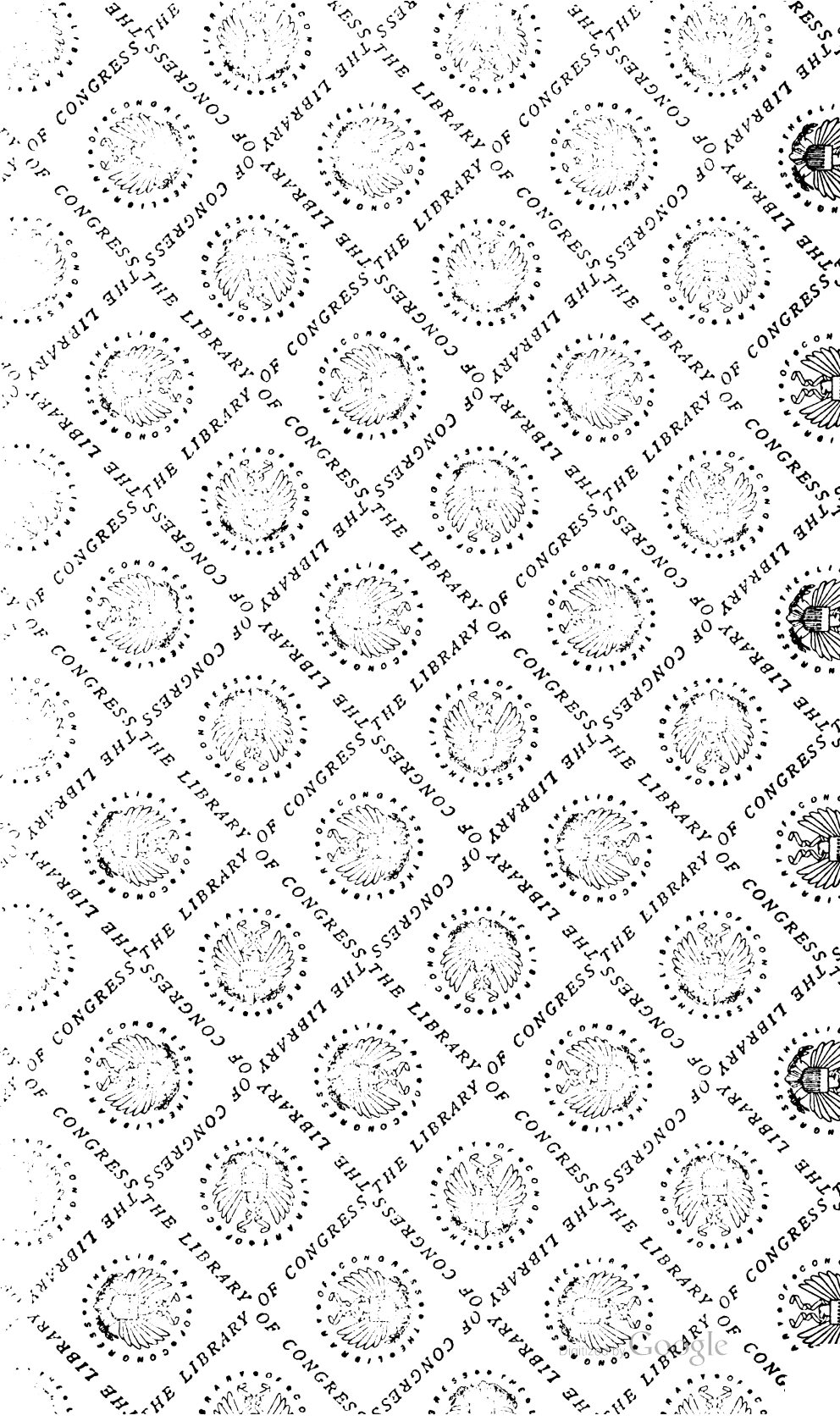
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# HEARING

BEFORE THE

## COMMITTEE ON INDIAN AFFAIRS,

U. S. HOUSE OF REPRESENTATIVES,

ON

### H. R. 22362,

MAKING APPROPRIATION TO PAY ESTHER ROUSSEAU  
FOR HORSES KILLED UPON THE CHEYENNE  
RESERVATION IN THE STATE OF  
SOUTH DAKOTA.

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DECEMBER 18, 1906.

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## CLAIM OF ESTHER ROUSSEAU.

COMMITTEE ON INDIAN AFFAIRS,  
HOUSE OF REPRESENTATIVES,  
*Washington, D. C., December 18, 1906.*

The committee this day met at 11 o'clock a. m., Hon. James S. Sherman in the chair.

**STATEMENT OF R. W. STEWART, ESQ., OF HURON, S. DAK., ACCOMPANIED BY C. E. RICHARDSON, ESQ., OF WASHINGTON, D. C.**

Mr. BURKE. Mr. Chairman, Mr. Stewart is here, representing Mrs. Rousseau, named in the bill. It is a claim in the same sense as are some of the other Indian claims that come here.

The CHAIRMAN. Mr. Stewart, we will be very glad indeed to hear what you have to say in reference to the bill, and as the meeting was called for the express purpose of considering this bill, you will not be limited as to time. Take such time as you desire.

Mr. STEWART. Mr. Chairman and gentlemen of the committee, I desire to thank you for the courtesy of being permitted to present this matter to you. Mr. Richardson, of Washington, and myself appear here as attorneys for Esther Rousseau, who is the subject of this House resolution, or bill, No. 22362, which proposes to appropriate \$50,000 for the payment to her of damages incurred by reason of the killing of horses upon the Cheyenne River Indian Reservation during the year 1897.

Esther Rousseau is a mixed blood Sioux Indian, having all the rights of an Indian under the decisions of the courts of highest resort of the United States. She was the owner of a band of horses numbering about 1,000.

Perhaps I had better premise what I have to say about the number of horses, in order to give you gentlemen who are not perhaps acquainted with the western conditions an idea of the actual situation out there.

A person owns a band of horses or a herd of cattle, and they let them range on what was formerly known as the Great Sioux Indian Reservation, and let them roam on what is called the Cheyenne River and the Standing Rock Reservation. It is a tract of land as large as some of the States of the Union in the East, and these people range their cattle and horses there by putting a brand upon them. There is usually out in that country what is known as a spring round-up and a fall round-up; the spring round-up for the purpose of branding the new stuff, and the fall round-up for market. You can imagine people can not exactly determine the precise number of cattle and horses they own under conditions of that kind. They have that brand, and that is

theirs, and there is no way of getting an exact count in a territory so large as that of the exact number which may be in that brand.

Now, Mrs. Rousseau estimated that in 1897—and she got this estimate from the reports of the people whom she hired to look after these horses, and they would get their accounts of the number from the people scattered here or there over this range—and according to their count she had a herd of about 1,000 head of horses. I will refer later to certain parts of this record which will show that, to the best judgment of an inspector of the United States, she had at least 864 head of horses.

In 1897 the agent, Peter Couchman, in charge of the Cheyenne River Reservation, procured the services of an inspector, who made representations to the Indian Department and got an order to have a veterinarian appointed—one Doctor Elliot, residing at Aberdeen, S. Dak.—to go out on the ranch and count the brands of Mrs. Esther Rousseau, and for the purpose of investigating that brand to find out whether they were afflicted with glanders.

Elliot went out under authority of the Indian Department and made a report to the agent in charge, Mr. Couchman, declaring that glanders existed among that brand of horses and making the recommendation that the entire brand of horses—every horse on the reservation branded with the “R” brand—should be destroyed. Acting upon that recommendation, an order was issued out of the Indian Department, which has the signature of Mr. Ryan, the Acting Secretary, I believe, at that time, that all horses in the “R” brand be destroyed.

I want to call your attention in passing to the absolute lack of judgment and absolute lack of common sense in an order of that kind under the conditions that existed upon the reservation at that time. In this range country it is a matter of common knowledge, and you gentlemen must all be advised, no matter what State you reside in, that, under the conditions that existed in that range country, to make an order that all the horses of one brand be killed smacks of asininity, for the reason that these horses all range together. You go out on the reservation and you will find the “circle-dot” horse, the “triangle-bar” horse, the “S” horse, and any other horses that run on that range country, and you will find them all mixed up together.

Now, it is a matter of common knowledge that glanders is a disease that can not be cured or eradicated except by killing the horse or other animal afflicted with it. It is a highly infectious and contagious disease. If you had a “circle-dot” horse or a “triangle-bar” horse that is running with an “R” brand horse, and the “R” brand horse is afflicted with glanders, the other horse, though with a different brand upon it, is just as likely to get that disease as the “R” horse would be.

The CHAIRMAN. I suppose so.

Mr. STEWART. The horses, of course, do not know what brand is upon them, and they all run together out there, mixed up in these different brands of horses, running along possibly under the charge of a stallion or something of that kind. They are all mixed up together, and there is no possible way in which they can be separated except by cutting them out, and that is done in the spring and fall roundups.

This order which I referred to pays no attention to the other brands of horses which are upon that reservation, but simply singles out every horse branded with the "R," the Rousseau brand of horses, and orders them all to be killed.

This was done on the recommendation and report of one Dr. J. W. Elliot, of Aberdeen, S. Dak. I am not here to call names and make hard charges or anything of that kind upon the record, but I want the members of the committee and you, Mr. Chairman, to fully appreciate this fact, that while every advocate may possibly try to magnify the strength of his case, in this case I am going to confine myself to the strict record of the case in the Indian Department and the report of the case, and I am going to confine myself to the case made in this record by the Government itself.

Doctor Elliot is a horse doctor of no education, a man of some political strength in South Dakota, but absolutely without education except such as he has picked up in running a livery stable and sales stables in the city of Aberdeen, S. Dak. He has not the power, he has not the knowledge, nor did he have at the time he made this examination upon which this order was made, to make a scientific examination of a horse or anything else. He made this report; an order was made for the killing of the horses; and he makes the report that he got the order and went out and operated upon this brand of horses; that he has actually killed about 200 head.

That is what he admits having killed. The record shows that these horses were killed in this way: The agent gave orders to the Indian police and to riders, and they took their Winchesters and went out upon the reservation, and when they found an "R" horse they would shoot it. In the early days of the killing they left the horses lying there, or threw them into the Missouri River; but subsequently Agent Couchman comes to the Department and asks to be allowed a certain amount of money for the cremation of the horses, thinking in that way to aid in stopping the disease.

After the horses were killed by Elliot the Rousseaus came into the case. This order was made for the destruction of the entire brand of Rousseau horses, and these horses were killed without any opportunity ever being given to Esther Rousseau or anybody in her behalf to appear and give evidence or have anybody appear for them, or to have any veterinarian go out and make an examination; and the order was issued absolutely *ex parte*, and with no opportunity for her to be heard in any way, shape, or manner; and as a matter of fact it is in the record here, gentlemen, she did not know of the existence of the order until her horses commenced to be killed.

Mr. BURKE. Mr. Stewart, there is something in the record right at that point that might be proper to call our attention to. The requisition made for ammunition showing the wholesale way in which they expected to operate.

Mr. STEWART. Yes. I am glad you called my attention to that, because it is a rather significant thing in this matter that an application was made for the purchase of 1,500 Winchester cartridges, and it appears in the record here that authority was given to purchase 1,500 Winchester cartridges to go out and kill this Rousseau brand of horses, and that is one of the items that appears in the amount allowed by the Indian Department as one of the expenses in this

matter, that they were given this appropriation or allowance. It is evident that they would go out and whenever they should find an "R" horse, the rider or the Indian policeman would put a ball through it, and if a "circle-dot" horse was right alongside of it the "circle-dot" horse was immune.

Mr. McGUIRE. Was this range large enough that this "R" brand could be on what was termed the "R" brand ranch and at the same time be also in widely separated parts of the range?

Mr. STEWART. No; I can tell you; I have been in the cattle business myself for several years. You can talk about the "Seventy-three ranch," or the "Wade-Across ranch," or things like that, but in fact there is no distinctive range.

Mr. McGUIRE. I was in the cattle business for a number of years myself. There might be one brand, and at the same time they might range in a section of country where they might be 100 miles separated from each other, and one part of the range might be affected and the other part in no way affected.

Mr. STEWART. Yes; that might be true. The range of these horses was from the Moreau River, on the north, possibly up as far as Cannon Ball.

Mr. McGUIRE. What distance is that?

Mr. STEWART. One hundred and fifty to 200 miles, I think. It is farther than clear across the State of South Dakota from the Standing Rock Reservation, running up to the North Dakota line, and you run down south to the Nebraska line. We range cattle there, and you will find our cattle as far west as Pennington County, and as far south as Keyapaha County, Nebr.

Mr. McGUIRE. Then you say some of this brand might be affected in one section and the other part of the brand might be 100 miles away? It is rather a suggestion in your favor that the rest of that brand might not be affected.

Mr. STEWART. Yes. I propose to show to this committee before I get through that there never was any infection in any of it. Your proposition leads to that very point, that up here on the Missouri River, up near the Moreau River, there was no infection, and elsewhere, over in Pennington County, the "R" brand might be immune, even if there was any infection among those ranging on the Missouri River or the Moreau River. Then I am going to show by the testimony of the Government's own experts that there was no infection at all in this brand.

Mr. HOGG. It was evidently a fool order.

Mr. STEWART. Yes.

Mr. HOGG. Can not you get down to the evidence as to the number of horses that were killed and the value of the horses?

Mr. STEWART. That brings me right down to a proposition on which I want to be absolutely frank before the committee. I am making this case before the committee on the testimony of the experts for the Government, the only testimony that we have here, which is an admission—or would be under this bill in a court of law—an admission from Elliot, that he killed about 200 head. But you will see from the fact that the avenues of investigation were closed to us that it is almost impossible for us to tell how many horses were actually killed. Whenever one of these drivers or Indians found one of these "R" horses they shot it. Now, the number of horses that they

killed is locked up in the breasts of those people, and they do not even know themselves. Elliot admits killing about 200 head. Mrs. Rousseau says she has lost 495 head.

Mr. HOGG. How does she get that figure? By her round-up record?

Mr. STEWART. Yes. Tinker, an inspector, goes out and investigates this matter and estimates that there were 846 head in the herd before the killing, and says there was a round-up made that was a clean round-up, as near as he can make out, and he then found 332. That is the best evidence that we have as to the number of horses killed. You can see that the avenues of investigation are practically closed to us.

Mr. HOGG. What are the dates of those two round-ups?

Mr. STEWART. Tinker's statement is that the first round-up, showing 864 head of horses, was in the fall of 1896.

Mr. HOGG. When was the next round-up?

Mr. STEWART. In the fall of 1897; he then picked up 332.

Mr. HOGG. What kind of a winter did they have?

Mr. STEWART. I am not advised as to that.

Mr. HOGG. You know sometimes they have hard winters and they kill off horses.

Mr. STEWART. We figure 10 per cent loss on cattle, but on horses it does not figure.

Mr. BURKE. I would like Mr. Stewart to proceed a little more in detail up to a certain point, and right at that point I believe you said 200 head had been killed, as shown by the report of Doctor Elliot. Then the Rousseaus began certain proceedings. Show what happened at that time, and what happened subsequently, and then come down to the other questions.

Mr. STEWART. I was going to take up first Doctor Elliot's report, in which he admits killing these horses. I take up first this report of Doctor Elliot, to whom I will pay my respects a little later, in which he says under date of July 30, 1897: "I have killed out of said bunch, which numbers between 600 and 700 head, about 200."

Now, Doctor Elliot, from the circumstances of the case, could not know how many horses he had killed, because he did not himself kill them. His evidence would not be admitted in any court of law, because he had hired these riders and Indians to go out and do it. He does not confine it to 200 head. He only admits that about 200 head were killed. Now if you gentlemen are satisfied, as the judge [Mr. Hogg] has said, that this was a fool order, and made without any reference to the equities of this case, I will quit that branch of the case.

We have here the report of Doctor Karn. When the Rousseaus first got into this matter and commenced to stir up some investigation about it, Doctor Karn was called by Couchman, the agent, and told to go out and investigate it. He reported that there was glanders in these horses; under the report dated November 27, 1897, he comes in and states that there was glanders in these horses.

Now, then, with that situation in existence, the Rousseaus come in and ask the Department to stop the killing of these horses. The Department thought the Rousseaus had made a sufficient case. They had filed a sworn petition in the Indian Department, and the Department made an order that one Corcoran, the veterinarian of the

Eighth Cavalry, under orders of the Secretary of War, be delegated to go out there and look into this brand. Secretary Wilson, of the Agricultural Department, appointed Doctor Tracy, who is now the chief inspector of the Bureau of Animal Industry at Fargo, to go out with Corcoran and make an investigation.

Mr. BURKE. The Secretary of the Interior called upon the Secretary of War and the Secretary of Agriculture, if I remember it, and asked if they would detail a competent veterinarian to visit this reservation and ascertain whether or not glanders existed in this brand of horses, and proceeding upon that request, the Secretary of War designated Doctor Corcoran, and Secretary Wilson, of the Department of Agriculture, designated Doctor Tracy?

Mr. STEWART. Yes; Doctor Tracy, of the Bureau of Animal Industry.

Mr. HOGG. What did they find?

Mr. STEWART. They found absolutely that this was the result of pernicious persecution; that there was no ground for the making of the order, and there was no glanders in these horses.

Mr. HINSHAW. What motive had the veterinarian for making such an order?

Mr. STEWART. It is shown that he was deceitful, and they attach a letter which shows the animus which, to a certain extent, was actuating him. I will get the report and let you see what it refers to.

I refer now to page 56 of the record, containing the report of Corcoran and Tracy, the people who, as you gentlemen will at once discern, could have had no possible connection with us and who made this investigation under the direct orders of the heads of their Departments, to wit, the Secretaries of War and Agriculture. Here is the record [reads]:

WEBSTER, S. DAK., November 27, 1897.

DEPARTMENT OF THE INTERIOR, UNITED STATES INDIAN SERVICE,  
Cheyenne River Agency, S. Dak.

DEAR SIR: Under examination, locally and microscopically, I diagnose the horses marked with the R brand, on Cheyenne Reservation, S. Dak., property of one Mr. Rousseau, glandered.

Respectfully, yours,

L. C. KARN, V. S.,  
Webster, S. Dak.

FORT YATES, N. DAK., April 4, 1898.

THE SECRETARY OF THE INTERIOR,  
Washington, D. C.

SIR: In compliance with instructions received through the Departments of War and Agriculture, we have the honor to report that we met at the Cheyenne River Indian Agency on March 17 and proceeded to the Rousseau Ranch, 40 miles south of that point, on the Cheyenne River, where the "R" brand of horses are located. We expected to find the brand still closely herded here, as they previously had been, to await our examination, but were informed that they had been scattered into small bands covering a territory of over 50 miles square. With the assistance of some Indian police and Rousseau's employees we had them rounded up and corraled as found by the riders daily, amounting in all to 376 head. These are all that could be found, and, from the most reliable information we could get, we believe that not more than 50 others exist. It was extremely difficult to gather these horses on account of previous examinations, killing of the leaders, etc., which caused the breaking up of herds into small bunches in a rough, broken country of the "Bad Lands" variety; consequently very difficult to find.

These horses, being range bred, were very wild, and while all seemed perfectly free from any disease, to comply strictly with instructions we had over 300 head roped by the front feet and thrown, critically examined, and marked with scissors brand. The ones not thrown were mares about to foal. We considered it an injustice to the owner, as well as inhumane, to subject them to such violence, having satisfied ourselves that there was no evidence of disease. Out of the 300 cast and examined 24 head were selected for the mallein test, consisting of all ages and animals that had been previously condemned by Doctor Elliot. Out of this number tested by mallein but 3 showed any reaction, these being low-conditioned saddle animals confined in a small log stable during test, with but poor forage, and showing not even infinitesimal external evidence of a glanderous nature. (Vide Mallein forms marked C, D, and E.) One, and the only one, that showed positive signs of glanders was an unbranded 5-months-old colt, which showed superficial symptoms of acute glanders, and which, we were informed, with its dam, had affiliated with neighboring Indian horses, two of which were condemned for chronic glanders by veterinarians that had preceded us, viz, Doctors Karn, South Dakota; Treacy, of Fort Meade, and Dalton, of Chicago.

This colt and its dam, a roan mare 7 years old, we had isolated and applied the mallein test without reaction in either case. (Vide Mallein forms A and B.) We afterwards destroyed the colt for post-mortem examination, and portions of the diseased tissue and pus are herewith submitted for microscopical examination by the Bureau of Animal Industry. The septum nasi was almost completely eaten away, but the lungs showed little, if any, appearance of glanders. The dam had a slight clear mucous discharge from the left nostril, without other symptoms. This mare was very wild and fought hard every time she was cast, as she had to be at each examination. Her temperature varied some, but nothing more than was consistent with her condition at the time owing to a state of excitement and exhaustion.

In undoubtedly sound horses we found a decidedly marked increase of temperature when the operation of catching and casting was protracted unusually. For instance, the first horse caught and cast out of bunch in corral in the morning would register normal temperature, the second would show a slight increase, and so on, till the last of the band caught in the evening has sometimes registered as high as 104.8, though undoubtedly free from disease. The territory over which the "R" brand range, commingling with upward of 4,000 or 5,000 horses of other brands and owners, extends from the Mereau River and its tributaries on the north to the Cheyenne River and its tributaries on the south, bounded on the east by the Missouri River and extending westward almost indefinitely; and as we have no doubt that glanders exists to a great extent among the numerous horses mentioned on the Cheyenne River Indian Reservation, we would earnestly recommend that later in the season (about the middle or end of June), when the grass is good and the mares have foaled and the usual distemper among colts has passed away, all horses within the reservation be thoroughly rounded up, and that we be authorized to employ a few expert riders and ropers, examine all horses so rounded up at different points, and destroy all found affected with glanders.

This is the only radical means we know of for eradicating this disease and doing justice not only to the residents of the Indian reservation, but to the State of South Dakota. This examination might be extended to the Standing Rock Reservation, where glanders has been detected by one of us (Corcoran) from time to time. Believing that you require a full report and an expression of opinion on the reports of preceding veterinarians employed by the Indian agent at Cheyenne River Reservation, we have the honor to respectfully state that, having read Doctor Elliot's report and sweeping recommendation for the destruction of all the "R" brand horses, it is evidenced to us by the condition in which we found them, by the information we had from reliable employees, unprejudiced and impartial in the matter, and by the letter of one Doctor Karns, respectfully submitted, acknowledging himself both cowardly and untruthful, we have come to the conclusion that neither one was, to say the least, reliable; and indications of a pernicious persecution pervade this whole matter.

We think it but just to mention that we were earnestly and energetically assisted in our investigations by Mr. J. K. Sechler, assistant farmer, Cheyenne Agency; by Mr. J. H. Sage, Okobogo, S. Dak., as well as by the Rousseau family and their employees.



Trusting that this report will be considered satisfactory by the Department, we have the honor to be,  
Very respectfully,

RICHARD B. CORCORAN,  
*Veterinarian, Eighth Cavalry, U. S. Army.*

ROBT. H. TRACY,  
*Veterinarian, Bureau Animal Industry.*

That is the record given to the Department, signed by Doctor Corcoran, the veterinarian of the Eighth Cavalry, and Robert H. Tracy, veterinarian of the Bureau of Animal Industry, and they attach to this report the letter of Doctor Karn, which shows the animus which was actuating him.

Here is the letter which he wrote to the boss farmer of this reservation, and it is confirmed here in this record by the affidavit of a rider for Mrs. Rousseau, to the effect that he was present when Doctor Karn made his examination, and who says that Doctor Karn stated to bystanders when making the examination that he found no traces of glanders whatever, and there was no glanders in the herd. Then, after this report, he writes to this man Sechler, the boss farmer, who had evidently entertained him while he was out there. This is the letter [reads]:

OFFICE OF L. C. KARN, V. S.,  
*Webster, S. Dak., February 5, 1898.*

MR. J. K. SECHLER,  
*Cheyenne River Agency, S. Dak.*

DEAR SIR: No doubt you will imagine I have quite forgotten the kindness paid to me while on the reserve by you and Mrs. Sechler, but such is not the case; it has been merely a matter (as you might say) of neglect, and trust you will pardon. As in regards to Mr. Rousseau's horses, I could not help but send in the report I did, which no doubt you have heard ere this. In the first place, from local observation you know that from first sight the appearance of the horses were favorable, and probably I used a little deceit, which I know was not right, and after taking the temperature I found that I had got into a nest, and policy, I thought, was the better valor. My report was, the horses belonging to Mr. R. Rousseau and branded with the "R" brand I diagnose as glanders. I made five different tests of the serum I brought back with me, and in every case it proved to be glanders. I have all my slides belonging to the tests, which have undergone the microscopic examination. I took a field mouse and injected some of the serum into his body, and he died in twenty-four hours; then took the serum from the viscera of the same mouse and made an examination of the same and still found glanders, so I think I am justified in sending in my report as I have done. Well, I must close, as it is midnight, and trust that you are all well. With best respects to the family and yourself, and hoping to hear from you in the near future, I remain,

Respectfully, yours,

L. C. KARN.

There is the man upon whose report they make an order for the destruction of the entire brand of horses.

The CHAIRMAN. That is Mr. Karn that writes that?

MR. STEWART. Yes, sir.

The CHAIRMAN. He is not the veterinarian under whose orders this herd was destroyed?

MR. STEWART. As I stated a while ago, while you were out, after Doctor Elliot's report came in and he had killed these horses, the Rousseaus got to corresponding with the Department. Couchman got afraid of his position in regard to it, and he called in Doctor Karn, of Webster, and Doctor Karn and Doctor Elliot are the two men upon whom the entire proof rests, so far as the existence of glanders in the herd is concerned. The entire proof of that rests upon Elliot and Karn, while, on the other hand, as I have read from

the reports of Tracy and Corcoran, the two Government experts, they reported no glanders in the herd, and it was all a result of malicious persecution.

In addition to that, as I will come to it later, you will find a special report of a substitute, named Tinker, who finds the herd absolutely healthy and in good condition.

Mr. BURKE. There is a report also from Doctor Dalton?

Mr. STEWART. Yes; a report from a private veterinarian hired by Mrs. Rousseau; a professor in the veterinarian school in Chicago, hired by Mrs. Rousseau to go out there and look over the horses, and he reports that he could not find any glanders in the herd. And outside of that there are people who ran horses right alongside with them—Jeff Williams and Buck Sage—who said there was no glanders in the herd; and, in addition, there is a report here from the chiefs of the Sioux tribe, showing that they had never represented to the Department that there was glanders in the horses, and that they did not want any horse doctors to go out there to examine them, and did not want any money taken out of their funds to pay for their coming out there and condemning their horses.

Mr. McGUIRE. There seems to be duplicity there. But, aside from that, is there any evidence showing the qualifications of Doctor Karn as a veterinarian?

Mr. STEWART. Doctor Karn is dead; but there is a man who knew him, a man who was a graduate of the Toronto school, or McGill University; and if this committee desire it, I can prove by people well qualified to testify that Karn, while a graduate of that school, had let whisky get the best of him, and when he came out to that town he was absolutely unreliable.

Mr. BURKE. Tell how Doctors Tracy and Corcoran made the examinations, and how many days they were there, and what they did.

Mr. STEWART. They actually rode and cast 300 horses and examined every one of them.

Now, it is in evidence that we had about 332 head of horses. Corcoran and Tracy say that they threw and applied the Mallein test to 300 head of horses, and that they did not show any signs of glanders. They were out there a number of days, and they found evidences of distemper, but it was not glanders. It was not an incurable disease, such as would warrant any such order as this for the destruction of the herd.

Mr. ZENOR. Were those 300 all of the "R" brand?

Mr. STEWART. Yes, sir; and they have attached here to the report a statement of the temperature taken and describing them—horse So-and-so thrown, and the Mallein test is described. All that is described, but it would be a long proposition. The meat and marrow of it, however, is that there was no glanders, and it was a part of the persecution that the report was ever made.

Mr. HINSHAW. Those examinations were made on the horses that were left?

Mr. STEWART. Yes, sir.

Mr. BURKE. I want to get into the record somewhere the fact that over 200 head of horses were killed, and it was brought to the attention of the Rousseaus, and then the Rousseaus did something, to wit, brought injunction proceedings. State what happened.

Mr. STEWART. Yes. While the record was in this shape the Rousseau people, immediately after they had learned about this killing and the proposed killing of all the rest of the herd, did not propose to lie there and take this kind of treatment; so they interested Senator Pettigrew, at that time one of the Senators from the State of South Dakota, and he asked that the matter be held up for a further investigation. It was upon that recommendation that the Secretary did hold it up and sent out Corcoran and Tracy, and they made this report.

In addition to that, the Rousseaus went into the State court of South Dakota and procured an order from the court there perpetually enjoining Mr. Couchman or any of his servants or employees in the future from killing any of that brand of horses; and that order still stands there, unchallenged by Mr. Couchman, the Indian agent, or anyone in his behalf. It is an absolute injunction, and since that time none of the horses have been killed.

Now, you have gotten pretty nearly all of this case.

Mr. ZENOR. What is the date of that?

Mr. STEWART. That injunction was in the spring of 1898.

Mr. BURKE. Give us some parts of Mr. Tinker's report. I think the members of the committee ought to know of Mr. Tinker.

Mr. STEWART. I think it would be good reading for them. Mr. Tinker makes this report on September 30, 1899—

Mr. BURKE. That is two years after?

Mr. STEWART. Yes.

Mr. HOGG. Is there any need for the taking down of the full report?

Mr. STEWART. No; I want to read only certain parts of it.

Mr. BURKE. One of the things I want to be brought out in the Tinker report is that he saw some of these horses that had been shot and had recovered.

Mr. STEWART. Yes. A number of these riders and Indian policemen, when they went out there, would shoot these horses and would not get them, and they would get away; and those horses, some of them, are now on the streets of Pierre to-day, hauling dray wagons, and they are all through the State, healthy and sound. You know that a horse suffering from glanders never recovers.

Mr. BURKE. They survived the shooting and the glanders both?

Mr. McGUIRE. The agent and the doctor? [Laughter.]

Mr. STEWART. Yes. I will read from this letter:

CHEYENNE RIVER AGENCY, S. DAK.,  
September 30, 1899.

The SECRETARY OF THE INTERIOR.

SIR: According to instructions contained in your communication of June 26, 1899, I have the honor to report the result of my investigation of horses at the Standing Rock Reservation, and of those branded "R," owned by Mrs. Esther Rousseau, of the Cheyenne River Reservation, said to be suffering with glanders.

The Rousseau home ranch is located about 45 miles from the Cheyenne River Agency, on the Cheyenne River. Most of the horses owned by Mrs. Esther Rousseau (branded "R") are wild range horses, much wilder than the average range stock. The alleged reason for their being so wild is that they have been rounded up, roped, and thrown by veterinary surgeons so often, and so many of them and their leaders shot—many killed and some wounded—on the open prairie that upon the approach of a person they start at once to get out of the way. They roam in small bands, much smaller than they did before so many of them were killed, and are scattered over a very large section of country.

\* \* \* \* \*

Mr. Rousseau informed me that the fall before the veterinary surgeons began to shoot the horses branded "R" he rounded up 864 horses; since that time he has never been able to round-up 400 horses bearing their brand; all the range horses, saddle horses, and work animals put into the corral for me to inspect was 332 branded "R" or "R—"; there were 13 other horses rounded up with them bearing various brands, making a total of 345 horses. This may or may not be all the horses they own or bear their brand.

All the horses I saw were very wild, but they were all fat, in good condition, and seemed to be healthy; none of them were running at the nose, neither did any of them have farcy buttons; all appeared to be sound horses, and showed no signs of having the glanders or any other disease.

I saw four animals that had been shot by the Indian police by order of the veterinary surgeon; one was a gray horse 7 years old; he was shot through the right hip, but managed to get away before he was killed; his wound healed up and he seems to be sound.

A gray mare was shot through the rump; the ball ranged along her side almost the whole length of her body; she escaped and recovered; she had no discharge from the nose or farcy buttons, and appears to be free from glanders or any other disease.

One 3-year-old colt was shot under the neck; the ball came out through the lip; the ball cut the base of the tongue in such a manner that the tongue hangs out of its mouth all the time; he managed to get away, and recovered; he shows no symptoms of any disease.

A gray gelding was shot twice, once through the left stifle; the ball went in from in front and came out behind. The other ball went through his left hock. He broke away, and recovered. It is said he was given the mallein test by Doctor Tracy, of Fort Meade, and Doctor Dalton, of Chicago, and showed no symptoms of glanders.

\* \* \* \* \*

As regards the Rousseau horses branded "R" and "R—," and the horses that graze on the range with them in the Cheyenne River country, I do not consider that I am expert enough to determine whether they have the glanders or not; they all appear to be healthy.

I give you that for the purpose of showing what was done with these horses before the investigation. Then he goes on and shows that he saw this bunch in the corral, and there were no symptoms of glanders in them. He is a very careful man. He says he is not a doctor and does not know much about glanders. You, gentlemen, have common sense and keenness of perception enough to know that if a horse has glanders anybody can tell it.

Mr. BURKE. The claim that there is glanders upon that reservation has not been made since?

Mr. STEWART. Absolutely not. The Bureau of Animal Industry has given us all kinds of quarantine laws out there, gentlemen, but they have never troubled our horses. We are quarantined for scabies and we have had the Texas itch out there, but our horses seem to be immune from the quarantine regulations; and from the time when they killed these horses to the present time we have never had any charge of glanders, and especially after Mr. Couchman was relieved of his duties in charge of this reservation.

Mr. HINSHAW. Is there any proof in this record of the value of these horses that were killed?

Mr. STEWART. There is not; and I want to take that up with you. There is not any proof of that, aside from the affidavit of Doctor Dalton, this veterinary surgeon who does not qualify and lay a proper foundation to make his evidence particularly valuable before this committee, and one Jeff Sage, that in 1897 these horses were worth about \$40 or \$45 a head.

Now, as a matter of fact, the history of this brand is easily ascertainable. The Rousseaus were the first to introduce in their horses

and put on the range the habit of taking their "she-stuff" and sending in the best stallions. Do not take this simply as the plea of the advocate; but the fact is they have succeeded in grading up their bunch of horses until they are the best grade of horses out there on the range.

Mr. STEPHENS. What do they render for taxes?

Mr. BURKE. This claimant is an Indian.

Mr. MCGUIRE. They do not pay taxes.

Mr. HINSHAW. There is no proof of their age?

Mr. STEWART. No; except they were an ordinary bunch of horses. The ordinary habit is to take them out when they get marketable and sell them.

Mr. STEPHENS. What was the market price of horses?

Mr. STEWART. The market price, as they indicate, was from \$40 to \$45.

Now I come to the claim. That is well taken, and the number of lawyers that I see here leads me to believe you will hold the same doctrine, that it is not for the agent to go out there and kill our horses and then come in and say, "You shall take the market price at that time." And it is not for me to come in and take your horses and convert them to my own use and say, "You shall take the market price at that time."

Mr. STEPHENS. Do you think the Government should be compelled to pay conversion damages?

Mr. STEWART. No; but what is the actual value? It is the highest value between the time of conversion and the time the jury sits on the verdict. That is the common law, and the statute law of my own State. These horses are selling in the market at Pierre at from \$100 to \$125, around. They are worth it. Therefore I contend that when these people come out and kill our horses, it is not for them to say what market price we shall take, but they should pay the highest market price.

Mr. STEPHENS. Does not the law establish this principle, that you would be entitled to the market value of your stock at that time, with the legal interest in the State?

Mr. STEWART. The common law, as it finds expression in the Field statutes, is that you have the option of taking either one of these two horns of the dilemma that you desire, and for the conversion you are entitled to the highest market value between the time of conversion and the time the jury sits on the question of damages, and that you are enabled to show it.

Mr. HOGG. This value was fixed in the market. What was the value of horses on the range?

Mr. STEWART. That is what we are taking. The value on the range was from \$40 to \$45.

Mr. HOGG. They are not Indian horses, then?

Mr. STEWART. You know in 1896 and 1897 horses were a drug on the market.

Mr. STEPHENS. You can get them at \$5 a head in Arizona and New Mexico.

Mr. STEWART. Yes; as a matter of fact they brought some horses in there and gave them away, from Idaho.

The CHAIRMAN. You are not a sworn witness. You are making an argument as an attorney. There is no proof in this case as to the value of this property.

Mr. STEWART. I appreciate that.

The CHAIRMAN. There is no proof in this case other than the evidence of two witnesses, to whose testimony little weight is given as to the value of the property. There is no testimony in the case as to the number of horses destroyed, except the statement that it was about 200, but you claim much more. There is no evidence of that, but there is evidence that in the fall before the owner rounded up 864 horses, and since then they have not been able to round up more than 400. But that is not proof.

Mr. STEWART. I appreciate it.

The CHAIRMAN. So is it not your proper course—the fair course for this claimant as well as the Government—that you be permitted to go to some court of proper jurisdiction, and that you be authorized there to prove your claim against the Government?

Mr. STEWART. Mr. Chairman, you have struck the keynote there. That I can not deny. You have been frank with me and I will be frank with you. As a proposition I am speaking to this bill as it exists before you at the present time. I am showing as an advocate the strongest case I can truthfully present under the record as it exists. If you gentlemen say here that this proof is not sufficient, that this is a case where a court should be given jurisdiction to try and determine the amount of damages, I could not reasonably find any fault with it.

The CHAIRMAN. You will have to admit, Mr. Stewart, that there is nothing here on which we could render a fair judgment. It would be largely guesswork.

Mr. STEWART. I admit that.

The CHAIRMAN. It is perfectly clear to me, however, on your presentation of the case, that the Government ought to compensate these people for the destruction of their property. The question, then, is, How much property was destroyed?

Mr. STEPHENS. Is there any statute of limitations that ought to be removed?

Mr. STEWART. No, sir.

Mr. RICHARDSON. I suggest to Mr. Stewart that perhaps in a couple of weeks we could get all the information needed for the satisfaction of this committee and in the Senate, and it might save a delay of the case in the Court of Claims. The claimant is old, the witnesses are likely to die, and she herself is likely to die. That testimony can probably be brought to your satisfaction in the next two weeks.

The CHAIRMAN. But, Mr. Richardson, we are not a trial court. Congress is not a trial court, and the committees are not.

Mr. RICHARDSON. If you will take the evidence of the Government as to the number and value—

The CHAIRMAN. Of course I have not examined the record, but from Mr. Stewart's argument it appears there is very little evidence on the question of what the award should be. There seems to be evidence as to the reasonable liability of the Government, but as to how much the Government should pay there is very little.

Mr. Hogg. Why was not this matter brought to the attention of Congress before? It has been about ten years.

Mr. STEWART. I anticipated that question, gentlemen. The situation was this: Mrs. Rousseau is an Indian. She talks through an interpreter, except that she can talk a little broken English. She

first retained for the purpose of the injunction a firm of attorneys at Pierre, Shunk & Hughes. They took the matter up and did obtain an injunction, but they have neglected the matter and have worked along without coming to Congress, apparently not knowing that Congress had jurisdiction and not knowing what they should do.

Mr. CURTIS. Did they present the claim to the Indian Office?

Mr. STEWART. Not except in the line of stopping the further killing of their horses. Nothing has ever been put in the form of a claim for the payment of money, and apparently Shunk & Hughes did not know anything about this method of getting at this matter.

Mr. BURKE. I think, Mr. Stewart, that they did, but that it was a matter of negligence on their part, because they have talked with me about it for the last eight years, on several occasions, and said that they had this case and had been retained and expected to bring it before Congress. But I understand from Mrs. Rousseau that they did not bring it, although she supposed they were looking after it all the while.

Mr. STEWART. The fact remains that it has never been brought. Mrs. Rousseau subsequently came in last summer to our office and asked our firm to take up this matter, and after we had become satisfied that Shunk & Hughes were willing to drop out of the case and had not done anything we said we would take it.

Mr. BURKE. In bringing this matter to the attention of Congress and in introducing this bill, I had in mind the idea that the proper tribunal to determine the damages in this case was the Court of Claims, and for the purpose of bringing it before Congress I introduced the bill which is before you. I did not know at that time just what the proofs would be, and in introducing it in this form I knew it would be very easy to change it to a resolution sending it to the Court of Claims; and I also found that the practice of Congress here was that nearly all of these claims that do go to the Court of Claims by resolution originate with a bill, as a general thing.

Mr. HINSHAW. They could proceed to prove their testimony at once if this were referred to the Court of Claims?

Mr. BURKE. Yes.

Mr. HOGG. Why not make a motion to refer it to the Court of Claims?

Mr. BURKE. Yes. I suggest that this be referred to a subcommittee, to be constituted of, say, Mr. Hogg, Mr. Stephens, and Mr. Burke, with power to formulate a bill to refer the matter to the Court of Claims, and to report such a bill.

Mr. HOGG. Is there a limitation about this?

Mr. BURKE. This being a tort, no limitation runs against it.

The CHAIRMAN. I thought it should be so fixed that the Government under no circumstances should be made to pay interest.

Mr. HOGG. But I do not think the Government should be allowed to take advantage of any limitation in a case like this. It is an outrage.

Mr. STEPHENS. Why decide against ourselves as to the responsibility of the Government in the matter? It is like a plea of guilty in a court—

Mr. HOGG. What is the use of raising that question in the resolution? The court will determine that.

Mr. STEPHENS. Probably so.

Mr. HOGG. It will be necessary to determine the liability of the Government.

Mr. BURKE. I will make a motion, Mr. Chairman, that a subcommittee, composed of Mr. Stephens, Mr. Hogg, and myself, be appointed, and that I be authorized to report a resolution referring this case to the Court of Claims in the usual form.

The CHAIRMAN. It ought to be a bill. You do not want to refer it under the Bowman Act simply?

Mr. BURKE. No; report a bill directing the Court of Claims to hear and determine and render judgment, and if the statute of limitations runs——

Mr. STEPHENS. I would not be willing to waive that.

Mr. HOGG. It should be put in, anyway.

Mr. BURKE. I make that motion. You understand that there will be a limitation as to interest?

The CHAIRMAN. The bill should be so drawn that there will be no covering of the item of interest.

Mr. STEWART. I did not catch that, Mr. Chairman.

Mr. BURKE. The Government never pays interest on a claim. I make that motion.

The CHAIRMAN. Very well. All who are in favor say Aye; those contrary, No. The ayes seem to have it; the ayes have it, and the motion is carried.

Thereupon, at 12 o'clock noon, the committee adjourned.

[H. R. 22362. Fifty-ninth Congress, second session. In the House of Representatives December 13, 1906.]

Mr. BURKE, of South Dakota, introduced the following bill; which was referred to the Committee on Indian Affairs and ordered to be printed:

**A BILL Making an appropriation to pay Esther Rousseau for horses killed upon the Cheyenne Indian Reservation, in the State of South Dakota.**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of fifty thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying Esther Rousseau for four hundred and ninety-five horses belonging to her and unlawfully destroyed and killed upon the Cheyenne Indian Reservation, in the State of South Dakota, during the year eighteen hundred and ninety-seven, by the United States Indian agent in charge of said Indian reservation.*

DEPARTMENT OF THE INTERIOR,  
Washington, December 15, 1906.

The CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS.  
*House of Representatives.*

SIR: I have the honor to acknowledge the receipt of your communication of the 5th instant, requesting copies of all letters, reports, and papers in connection with the killing of certain horses on the Cheyenne River Reservation, in South Dakota, alleged to have been diseased with glanders, in the year 1897, and belonging to one Rousseau.

In response I transmit herewith a copy of a report from the Acting Commissioner of Indian Affairs, dated the 13th instant, transmitting copies of letters, reports, and papers on the subject in the records of his Office. I also transmit



herewith copy of a letter dated March 11, 1898, from the Secretary of Agriculture, copy of Indian Office report of March 14, 1898, and copy of Department reply of March 15, 1898, to the Secretary of Agriculture, these papers being referred to in the Indian Office report of the 13th instant as "Numbered 11724-1898."

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

DECEMBER 13, 1906.

The SECRETARY OF THE INTERIOR.

SIR: I have the honor to acknowledge the receipt of a letter from Hon. J. S. Sherman, chairman of the House Committee on Indian Affairs, dated December 5, 1906, requesting copies of all letters, reports, and papers in connection with the killing of certain horses on the Cheyenne River Reservation, in South Dakota, alleged to have been diseased with glanders, in the year 1897, and belonging to one Rousseau, referred to this Office for report on the 6th instant.

In answer I respectfully transmit herewith copies of all letters, reports, and papers on the subject in the records of this Office. It appears that the paper No. 11724-1898 was returned to the Department by this Office on March 14, 1898, and therefore no copy of that is furnished.

I return Mr. Sherman's letter.

Very respectfully,

C. F. LARRABEE,  
*Acting Commissioner.*

DEPARTMENT OF THE INTERIOR, UNITED STATES INDIAN SERVICE,  
*Cheyenne River Agency, S. Dak., March 27, 1897.*

The COMMISSIONER OF INDIAN AFFAIRS, Washington, D. C.

SIR: I have the honor to respectfully represent that there are a number of horses on this reservation diseased with glanders, notwithstanding that strenuous efforts have been heretofore made to stamp it out. I thought as there had been so much care and pains taken by the veterinary to have no diseased horses escape that we would be free from the disease; but I have learned, from a source which I think reliable, that the herd where we had reason to believe the glanders existed most was run off and kept out of the way by moving from place to place to escape the veterinary while here. And now I frequently learn of the disease making its appearance in different parts of the reserve amongst the horses owned and kept in small numbers, while heretofore it existed principally amongst the larger herds, so that the Indians quite generally (who are owners of the small bunches of horses) are becoming considerably alarmed at its continued prevalence and spread.

Therefore I think it advisable to have the presence of a veterinary, who should be allowed sufficient time to thoroughly scan the reserve and see that by no device or strategy any diseased animals escape.

It should be considered that in consequence of the large number of horses supposed to be so diseased, and of the large area over which they are scattered, considerable time will be required to effectually and thoroughly accomplish the work of stamping out the disease.

And therefore I respectfully request authority to employ a competent veterinary surgeon for a period not exceeding forty days, at the rate of \$10 per day, for the purpose of traveling over the reservation to inspect horses belonging to Indians and white persons thereon with a view to killing all horses that may be found suffering with the glanders and to check the spread of the disease.

And also that the surgeon so employed be allowed transportation to and from the agency to the amount of \$8, and for expenses while traveling over the reservation and actually employed in said work at the rate of \$1 per day.

As some opposition on the part of white men married to Indian women was heretofore met with in the progress of this work, I would respectfully further request that I be given authority to destroy all horses found on the reservation which may be infected, without any reference to compensation whatever for such destruction.

Very respectfully,

PETER COUCHMAN,  
*United States Indian Agent.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, April 6, 1897.

The SECRETARY OF THE INTERIOR.

SIR: In view of the statement made in the inclosed communication from the United States Indian agent at the Cheyenne River Agency, S. Dak., and in compliance with the request contained therein, I have the honor to recommend that authority be granted said agent to expend a sum not exceeding \$448, or so much thereof as may be absolutely necessary, in the following manner, viz:

Employment of a competent veterinary surgeon, at not to exceed \$10 per day while actually engaged, to travel over the reservation and inspect stock belonging to the Indians and to white persons residing on the reservation to the end that all horses suffering with the glanders may be killed and the spread of the disease checked-----	\$400
Payment for transportation of the surgeon to be employed to and from the agency at not to exceed-----	8
Payment of expenses of said surgeon while traveling over the reservation at not to exceed \$1 per day-----	40
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Provided, however, that the agent be granted specific authority from the Department to destroy, in the most humane manner, all stock found on the reservation, whether belonging to the agency, the Indians, or to white persons, where the same may be infected or suspected of being infected, in order to check the spreading of and to effectually stamp out the said disease, but no promise of compensation for stock so destroyed to be made to any person; payment therefor to be made from the appropriation, "Support of Sioux, different tribes, subsistence and civilization, 1897."

In this connection I would respectfully add that similar authority was granted in Department letter of April 3, 1898.

Very respectfully,

D. M. BROWNING, *Commissioner.*

DEPARTMENT OF THE INTERIOR,  
Washington, April 9, 1897.

The COMMISSIONER OF INDIAN AFFAIRS.

SIR: In compliance with the recommendation contained in your communication of the 6th instant authority is hereby granted for the agent at the Cheyenne River Agency, S. Dak., to expend a sum not exceeding \$448, or so much thereof as may be absolutely necessary, for the employment of a competent veterinary surgeon, at not to exceed \$10 per day while actively engaged, for not more than forty days, and for his transportation and traveling expenses while so employed, as specified in your letter, so that he may inspect all stock on the reservation, whether belonging to Indians or white persons, to the end that all horses suffering with the "glanders" may be killed and the spread of the disease checked. The agent is also granted authority to destroy, in the most humane manner, all diseased stock, whether belonging to the agency, Indians, or white persons residing on the reservation, where the same may be infected or suspected of being infected, in order to stamp out said disease, as requested in the agent's letter herewith returned; payable from funds applicable. But no promise of compensation for stock so destroyed shall be made to any person.

Very respectfully,

THOS. RYAN,  
*First Assistant Secretary.*

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
Washington, April 14, 1897.

PETER COUCHMAN,  
United States Indian Agent,  
Cheyenne River Agency, S. Dak.

SIR: You are hereby advised that authority has been granted for you to expend a sum not exceeding \$448, or so much thereof as may be absolutely necessary, as follows:

Employment of a competent veterinary surgeon, at not to exceed \$10 per day while actually engaged in the performance of his official duties, to travel over the reservation and inspect horses belonging to Indians and white persons thereon, to the end that all horses suffering with the glanders may be killed and the spread of the disease checked-----	\$400
Transportation of said surgeon to and from the agency, at not to exceed--	8
Expenses of said surgeon while traveling over the reservation in the discharge of his official duties, at not to exceed \$1 per day-----	40
	<hr/> 448

Authority has also been granted for you to destroy, in the most humane manner, all diseased stock, whether belonging to the agency, the Indians, or white persons residing on the reservation, where said stock may be infected with the glanders, or suspicion of being infected, in order to stamp out said disease, but no promise of compensation for stock so destroyed shall be made to any person.

Very respectfully,

THOS. P. SMITH,  
Acting Commissioner.

CHEYENNE RIVER AGENCY, S. DAK., July 30, 1897.

The COMMISSIONER OF INDIAN AFFAIRS,  
Washington, D. C.

SIR: I have the honor to submit the following report relative to the condition of horses on this reservation which I have been called to examine by the United States Indian agent, Peter Couchman. I find glanders in every part of the reserve where the R brand, which is the Rousseau brand, has been sold or where said Rousseau horses range. I also find that 9 out of every 10 horses ranging with the Rousseau horses belonging to other parties are diseased and I have destroyed them. This is the first time I have been able to gather all the Rousseau horses and make a thorough examination. I have killed out of said bunch, which numbers between 600 and 700 head, about 200. I have learned from good authority that this disease has prevailed in this bunch for the last twenty years, and if it is not checked by destroying the entire brand of Rousseau horses it will be only a question of a few years when there will not be a horse on this reserve that will be free from this disease.

I will admit that it looks like a hardship to destroy so large a number of horses belonging to one person, but I gave him the privilege of calling upon any other competent veterinarian to examine them for the purpose of satisfying himself that there is no mistake or doubt as to all of his horses being infected with the disease, and if I had been able to round them up earlier I could not have done otherwise than to have proceeded with the slaughter. It has been reported, and I have reason to believe, that these horses have been "switched" from place to place for the purpose of avoiding inspection, and under the circumstances it was impossible to get at them any sooner.

I therefore condemn and recommend that the entire brand known as the "R" brand and belonging to Rousseau be killed.

Very respectfully,

J. W. ELLIOTT.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
Washington, August 24, 1897.

PETER COUCHMAN,  
United States Indian Agent, Cheyenne River Agency, S. Dak.

SIR: I inclose herewith a communication from J. W. Elliott, dated Cheyenne River Agency, S. Dak, July 30, 1897, and addressed direct to this office, recommending that all horses bearing the "R" brand on the reservation under your charge and belonging to one Rousseau be killed for reasons stated.

Mr. Elliott's letter is referred to you for your information and report.

In this connection your attention is invited to office letter of April 14, 1897, wherein you were advised that authority had been granted you by the honorable Secretary of the Interior "to destroy in the most humane manner all diseased stock, whether belonging to the agency, the Indians, or white persons residing on the reservation, where said stock may be infected with the glanders or suspicion of being infected, in order to stamp out said disease; but no promise of compensation for stock so destroyed shall be made to any person."

As Mr. Elliott reports the diseased stock of said Rousseau on the reserve, the authority as granted by the Department would seem to cover the case in question.

Return Mr. Elliott's letter with reports of your views and actions in the matter.

Very respectfully,

THOS. P. SMITH,  
*Acting Commissioner.*

CHEYENNE RIVER AGENCY, S. DAK., *September 6, 1897.*

The COMMISSIONER OF INDIAN AFFAIRS,

*Washington, D. C.*

DEAR SIR: Replying to office letter, I have the honor to state: Since Doctor Elliot's report to you, dated July 30, 1897, Mr. Rousseau has procured, at his own expense, the services of an army veterinary from Fort Mead, one Doctor Treacy.

After making his investigation, this Doctor Treacy called on me and reported that, in his opinion, the "R" brand—that is, the Rousseau horses—were healthy.

Now, from all the information I have been able to gather since I have been here, both on and off the reservation, I am of the opinion that Doctor Elliot's report is the correct one. I know Doctor Elliot, both from common report and from my personal knowledge of him, to be eminently well qualified to report on cases of this kind.

Now, inasmuch as these doctors disagree, I would recommend that in case you have a veterinary on whose judgment you can rely you send him out to make a further examination, either associated with Doctor Elliot or alone, as you may see fit.

In case you have no such man I would suggest that L. C. Karn, V. S., of Webster, S. Dak., who is a resident of this State and who has the reputation of being a competent veterinary, be called in to make a further report on the case, either in consultation with Doctor Elliot or alone, as your judgment may dictate.

There is much property involved, and as long as there is a doubt or question as to the condition of the horses I would recommend this course.

Very truly,

PETER COUCHMAN,  
*United States Indian Agent.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, October 6, 1897.*

The SECRETARY OF THE INTERIOR.

SIR: From the inclosed correspondence it appears that "glanders" still exist among horses on the Cheyenne River Reservation, S. Dak., but in view of the fact that J. W. Elliott, veterinary surgeon, and Doctor Treacy, an army veterinary surgeon from Fort Mead, disagree as to glanders existing among horses on said reservation stamped with "R" brand and belonging to one Rousseau, I have the honor to recommend that authority be granted for the United States Indian agent at the Cheyenne River Agency, S. Dak., to expend such sum as may be absolutely necessary in the employment of L. C. Karn, veterinary surgeon, of Webster, S. Dak., at lowest obtainable rate, not to exceed, however, \$10 per day and traveling expenses, in going to the reservation, while on the reserve in the discharge of his official duties, and in returning to his home, in order that said

surgeon may make a careful examination of all horses on the reservation stamped with the brand "R" and belonging to said Rousseau, and provided Surgeon Karn is of same opinion as expressed in report of Doctor Elliott (herewith transmitted) that the agent take immediate steps to destroy in the most humane manner the entire herd of horses stamped with the "R" brand and belonging to said Rousseau, to the end that said disease may be effectually stamped out, but no promise of compensation for stock so destroyed to be made to said Rousseau or any other person, payment therefor to be made from appropriation "Support of Sioux, different tribes, subsistence and civilization, 1898."

Very respectfully,

A. C. TONNER, *Acting Commissioner.*

DEPARTMENT OF THE INTERIOR,  
Washington, October 7, 1897.

The COMMISSIONER OF INDIAN AFFAIRS.

SIR: In compliance with the recommendation contained in your communication of the 6th instant, authority is hereby granted for the United States Indian agent at the Cheyenne River Agency, S. Dak., to expend such sum as may be absolutely necessary in the employment of L. C. Karn, veterinary surgeon, of Webster, S. Dak., at lowest obtainable rate, not to exceed, however, \$10 per day and traveling expenses in going to the reservation, while on the reserve in the discharge of his official duties, and in returning to his home, in order that said surgeon may make a careful examination of all horses on the reservation stamped with the brand of "R" and belonging to one Rousseau, supposed to be infected with glanders, and provided Surgeon Karn is of the same opinion as expressed in report of Doctor Elliott (herewith), for the agent to take immediate steps to destroy, in the most humane manner, the entire herd of horses stamped with the "R" brand and belonging to said Rousseau, to the end that the disease may be effectually stamped out; but no promise of pay for stock so destroyed to be made to said Rousseau or any other person, payable from funds applicable.

Very respectfully,

C. N. BLISS, *Secretary.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, October 13, 1897.

PETER COUCHMAN,

*United States Indian Agent, Cheyenne River Agency, S. Dak.*

SIR: In view of the statement made in your report of September 6 last, you are hereby advised that the honorable Secretary of the Interior has granted you authority to expend such sum as may be absolutely necessary in the employment of L. C. Karn, veterinary surgeon, of Webster, S. Dak., at lowest obtainable rate, not to exceed, however, \$10 per day and traveling expenses in going to the reservation, while on the reserve in the discharge of his official duties, and in returning to his home, in order that said surgeon may make a careful examination of all horses on the reservation stamped with the brand "R" supposed to be infected with glanders, and belonging to one Rousseau, and provided Surgeon Karn is of same opinion as expressed in report of Doctor Elliott, dated July 30, 1897, that you take immediate steps to destroy, in the most humane manner, the entire herd of horses stamped with "R" brand and belonging to said Rousseau, to the end that said disease may be effectually stamped out; but no promise of pay for stock so destroyed to be made to said Rousseau or any other person.

Very respectfully,

A. C. TONNER,  
*Acting Commissioner.*

CHEYENNE RIVER AGENCY, S. DAK.,  
November 30, 1897.

The COMMISSIONER OF INDIAN AFFAIRS,  
Washington, D. C.

SIR: I have the honor to transmit herewith the report of L. C. Karn, veterinary surgeon, of Webster, S. Dak., relative to the result of his inspection of the "R" brand of horses on this reservation, from which it will be observed that he

pronounces the entire herd of said horses as being glandered. In this connection I desire to state, in view of said veterinary's report and in order to carry out the instructions contained in your letter of October 13 last, relative to this matter, that a very considerable expense will necessarily be incurred to properly dispose of so large a number of carcasses. Objection would be urged—and well taken, I think—to their being dumped into the Missouri River, or any other stream, so that burial or cremation must be resorted to, and I believe the latter would be the more effective, though perhaps a little more expensive than the former. Moreover, the former would be almost impracticable at this season of the year, when the ground is frozen so hard as it is now.

In either case quite a considerable amount of labor will be involved, besides requiring a large quantity of wood in the event of cremation, which, however, can be purchased from Indians at \$4 per cord. I would therefore respectfully recommend that I be authorized to expend in the purchase of wood and labor, for the purpose of cremating the said "R" brand of condemned horses, a sum not exceeding \$1 per head for each animal so destroyed.

I also request that I be authorized to expend the further sum of \$24 in the open-market purchase of 1,500 Winchester .44-caliber, central-fire cartridges, for use in shooting the condemned horses. These cartridges will be required in either event, whether burial or cremation is resorted to, in addition to those asked for in my annual estimate, for use of police and in the slaughter of beef cattle, during the current fiscal year.

Very respectfully,

PETER COUCHMAN,  
*United States Indian Agent.*

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CHEYENNE RIVER AGENCY, S. DAK.,  
*Webster, S. Dak., November 27, 1897.*

DEAR SIR: Under examination locally and microscopically, I diagnose the horses marked with the "R" brand, on Cheyenne Reservation, S. Dak., property of one Mr. R. Rousseau, glandered.

Respectfully, yours,

D. C. KARN, V. S.,  
*Webster, S. Dak.*

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CHEYENNE RIVER AGENCY, S. DAK., *December 3, 1897.*  
The COMMISSIONER OF INDIAN AFFAIRS,  
*Washington, D. C.*

SIR: I have the honor to inclose herewith a communication, which I am just in receipt of, from L. C. Karn, veterinary surgeon, of Webster, S. Dak., relative to microscopical tests and work done by him for the purpose of ascertaining whether or not the "R" brand of horses on this reservation are diseased with the glanders, and for which tests so made, and for work incidental thereto he presents the inclosed account and claims pay for five days' labor, at \$10 per day, amounting to \$50—this in addition to the thirteen days, at same rate, for work in this connection while on the reservation, and reported in my report of irregular employees for the month of November last. I therefore respectfully submit the said account to your office for consideration and such action as may be deemed necessary in the premises. I make no recommendation in this matter, for the reason that I informed Doctor Karn that he would be allowed \$10 per day for the time actually employed on the reservation in making the necessary examination, and presumed that the thirteen days claimed by him covered all time for professional service in this connection.

Very respectfully,

PETER COUCHMAN,  
*United States Indian Agent.*

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WEBSTER, S. DAK., *November 30, 1897.*

Mr. PETER COUCHMAN,  
*Agent, Cheyenne River Agency, S. Dak.*

DEAR SIR: I trust you have received my report ere this and that it will prove satisfactory to you. No doubt you may imagine I have taken a long time in reporting my diagnosis, but the disease has undergone five different

tests, which have taken a great deal of work and time; hence the delay. My tests are as follows:

(1) Local observation and examination of diseased horses. (2) Discharge from nostril under microscope. (3) Culture of discharge under microscope. (4) Discharge injected into a field mouse and examination of viscera; inspected the same. (5) Glands taken from mouse and serum of the same cultured and examined under microscope and result reveals glanders.

I also inclose my extra account for work, which in all is five days of actual work. This work that I have done microscopically has been a tedious task, and I think I am entitled to my extra pay. With kind wishes I remain,

Respectfully, yours,

L. C. KARN.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, December 13, 1897.

The SECRETARY OF THE INTERIOR.

SIR: Under date of October 7, 1897, the Department granted authority for the United States Indian agent at the Cheyenne River Agency, S. Dak., to expend such sum as may be absolutely necessary in the employment of L. C. Karn, veterinary surgeon, of Webster, S. Dak., at lowest obtainable rate, not to exceed, however, \$10 per day and traveling expenses in going to the reservation, while on the reserve in the discharge of his official duties, and in returning to his home, in order that said surgeon might make a careful examination of all horses on the reservation stamped with the brand "R" and belonging to one Rousseau, and provided Surgeon Karn was of same opinion as expressed in report of Doctor Elliott (that all horses with the "R" brand were glandered), that the agent take immediate steps to destroy in the most humane manner the entire herd of horses stamped with the "R" brand and belonging to said Rousseau, to the end that the disease may be effectually stamped out; but no promise of compensation for stock so destroyed is to be made to said Rousseau or to any other person.

I now have the honor to transmit herewith two communications from said agent—one inclosing account of Surgeon Karn for \$50, for five days' microscopical work on the horses stamped with the brand "R," at \$10 per day (being in addition to the thirteen days' labor performed by him on the reservation under said Department authority of October 7, 1897), and the other inclosing the report of said surgeon, which shows the horses marked with the "R" brand on the reservation to have the glanders, and requesting authority to dispose of the animals after being killed.

In view of all the facts in the case I would respectfully recommend that authority be granted the United States Indian agent at the Cheyenne River Agency, S. Dak., to expend such sum as may be absolutely necessary in having condemned "R" brand horses cremated at lowest obtainable rate, not to exceed, however, \$1 per head for each animal so destroyed—this price to include all labor and wood necessary; also that authority be granted the agent to expend a further sum, not exceeding \$74, in the following manner:

Payment to L. C. Karn, V. S., for five days' microscopical work on the horses belonging to one Rousseau, on the Cheyenne River Reserve, in order to determine definitely whether said horses (stamped with the "R" brand) were afflicted with the glanders, at \$10 per day-----	\$50. 00
Purchase of 1,500 cartridges, "Winchester," .44-caliber, central fire, required for immediate use in shooting the condemned horses on the Cheyenne River Reserve, at not to exceed-----	24. 00
	<hr/> 74. 00

Payment therefor to be made from appropriation: "Support of Sioux, different tribes, subsistence and civilization, 1898."

Very respectfully,

W. A. JONES, *Commissioner*.

DEPARTMENT OF THE INTERIOR,  
Washington, December 17, 1897.

The COMMISSIONER OF INDIAN AFFAIRS.

SIR: In compliance with the recommendation contained in your communication of the 13th instant authority is hereby granted for the agent at the Cheyenne River Agency, S. Dak., to expend such sum as may be absolutely necessary in having condemned "R" brand horses (referred to in Department authority of October 7 last) cremated at lowest obtainable rate, not to exceed, however, \$1 per head for each animal so destroyed, this price to include all labor and wood necessary; also to expend a further sum not exceeding \$74 in the following manner:

Payment to L. C. Karn, V. S., for five days' microscopical work on the horses belonging to one Rousseau, on the Cheyenne River Reserve, in order to determine definitely whether said horses (stamped with the "R" brand) were afflicted with the glanders, at \$10 per day-----	\$50. 00
Purchase of 1,500 cartridges, "Winchester," .44 caliber, central fire, required for immediate use in shooting the condemned horses on Cheyenne River Reserve, at not to exceed-----	24. 00
	<hr/> 74. 00

Payment therefor to be made from funds applicable.

Papers submitted are herewith returned.

Very respectfully,

THOS. RYAN,  
First Assistant Secretary.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS.  
Washington, December 28, 1897.

PETER COUCHMAN,

United States Indian Agent, Cheyenne River Agency, S. Dak.

SIR: You are hereby advised that the honorable Secretary of the Interior has granted you authority to expend such sum as may be absolutely necessary in having condemned "R" brand of horses (referred to in office letter of October 13, 1897) cremated, at lowest obtainable rate, not to exceed, however, \$1 per head for each animal so destroyed, this price to include all labor and wood necessary.

Authority has also been granted for you to expend a further sum, not exceeding \$74, as follows:

Payment to L. C. Karn, veterinary surgeon, for five days' microscopical work on the horses belonging to one Rousseau, on the Cheyenne River Reserve, in order to determine definitely whether said horses (stamped with the "R" brand) were afflicted with the glanders, at \$10 per day-----	\$50. 00
Purchase of 1,500 cartridges, "Winchester," .44 caliber, central fire, required for immediate use in shooting the condemned horses on the Cheyenne River Reserve, at not to exceed-----	24. 00
Total-----	<hr/> 74. 00

This matter was the subject of your letters of November 30 and December 3 last.

Surgeon Karn's account is herewith returned.

Very respectfully,

W. A. JONES, Commissioner.

UNITED STATES SENATE,  
Washington, D. C., January 22, 1898.

The COMMISSIONER OF INDIAN AFFAIRS.

DEAR SIR: I inclose a telegram about which I telephoned you this afternoon. I asked that this order be suspended for further investigation. I know these parties, and I think the order should be suspended, as they request. Will you please telegraph Agent Couchman to the effect?

Very respectfully, yours,

R. F. PETTIGREW.



PIERRE, S. DAK., *January 21, 1898.*

HON. R. F. PETTIGREW, *Senate:*

An order has been issued by Indian Office or Secretary Interior ordering "R" brand of horses on Cheyenne River Agency, S. Dak., immediately killed. Client Rousseau has just heard of this order and has had no time to appear and show erroneous. Have this order suspended by wire to Major Couchman, agent, Cheyenne River Agency, S. Dak., for a few days, to enable Rousseau to have horses further examined. Government Surgeon Treacy, at Fort Fort, S. Dak., after thorough examination, reports to Rousseau that horses are free from glanders. We have other surgeons coming and want time for examination. This can do no harm, and will save to Rousseau all the property she has, worth \$25,000. Answer my expense.

JOHN F. HUGHES.

[Telegram.]

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., January 22, 1898.*

COUCHMAN,

*Agent Cheyenne River Agency, S. Dak.:*

Suspend order to destroy glandered horses of "R" brand until further orders.

W. A. JONES, *Commissioner.*

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*Washington, January 22, 1898.*

HON. R. F. PETTIGREW,

*United States Senate.*

SIR: In compliance with your request of this date, based upon a telegram of John F. Hughes, of Pierre, S. Dak., I have telegraphed the United States Indian agent at Cheyenne River Agency, S. Dak., to suspend the destruction of glandered horses of "R" brand until further orders. As Mr. Hughes asks that the order be suspended for a few days only, I have telegraphed Agent Couchman, with the understanding that the suspension shall be for a very brief period, unless it can be clearly shown that the order is erroneous.

Very respectfully,

W. A. JONES, *Commissioner.*

PIERRE, S. DAK., *January 27, 1898.*

THE COMMISSIONER OF INDIAN AFFAIRS,

*Washington, D. C.*

SIR: We have the honor to transmit herewith the petition of Mrs. Esther Rousseau concerning the "R" brand horses on the Cheyenne River Indian Reservation, which were ordered killed for being glandered, and which order has been by your letter of January 22, 1898, suspended temporarily. If given the opportunity petitioned for we are satisfied that we shall convince you that the order to kill the horses is based on reports that are false and erroneous.

Very respectfully,

SHUNK & HUGHES,

*Attorneys for Esther Rousseau.*

STATE OF SOUTH DAKOTA, *County of Hughes, ss:*

J. W. Williams, being first duly sworn, on oath says:

That he now resides at White Horse Camp, on the Moreau River, on the Cheyenne River Indian Reservation, and is familiar with the "R" brand of horses, and the same described in the order of the honorable Commissioner of Indian Affairs to kill and destroy said "R" brand. That I have been acquainted with said horses for the term of fifteen years. Your affiant further says that on his way to Pierre, S. Dak., and on January 24, 1898, at the ranch

and corral of Fred La Plant, on said reservation, he saw and looked through a bunch of about 20 head of said "R" brand of horses. That at said time and place he first heard of the order to destroy said horses, and by reason thereof he looked through said bunch of horses carefully, and could not find or discover any evidence or indications of glanders nor any other disease. That said horses, and all of them, looked healthy and were apparently sound. That your affiant has been engaged in raising and handling horses for more than thirty years.

J. W. WILLIAMS.

Subscribed and sworn to before me this 27th day of January, 1898.

A. C. BRINK;

*Notary Public, South Dakota.*

*To the honorable Commissioner of Indian Affairs, Washington, D. C.*

Your petitioner, Mrs. Esther Rousseau, respectfully petitions and shows to the honorable Commissioner that she is the owner of about 600 head of horses, ranging in age from 1 to 27 years, the said horses being the same described in the order to kill and destroy the "R" brand of horses on said reservation issued by said Commissioner.

Your petitioner further shows that the actual cash value of said horses included in said order is not less than the sum of \$25,000.

Your petitioner further represents and shows to the honorable Commissioner that the said "R" brand of horses have been bred and raised by your petitioner at their present location, or in the vicinity thereof, and are the result of about twenty years' labor in this direction.

Your petitioner further shows that neither at this time nor at any prior time have any of the horses of said petitioner been afflicted with the glanders or any other disease similar thereto or with any disease whatsoever, and that during all of said time said horses have been sound and are now sound, fat, and absolutely free from any disease whatsoever.

Your petitioner further represents and shows that at no time has she been informed nor does she know of the existence, scope, and extent of the order to kill said horses, nor of the facts, reports, and other matters which form the foundation of said order, except what has come to her indirectly and by rumor; that no copy of said order or of said reports and other matters have ever been served on her, or any notice whatever of them given to her, but that she is informed and believes that one J. K. Seckler and other employees of the agency had built a corral and made all preparations for the destruction of said horses, and your petitioner believes that said horses would have been destroyed without notice to her had not your order of suspension been granted herein.

Your petitioner further shows that she is just in receipt on this 27th day of January, 1898, of your letter of January 22, 1898, addressed to the Hon. R. F. Pettigrew, wherein you state that the order to kill said horses shall be suspended for only a brief period, unless it can be clearly shown that the said order to kill said horses is erroneous.

Your petitioner further says that she made application, through her agent and attorneys, to Agent Couchman for permission to see said order and the reports and other matters on which the same was based, and that he would not disclose said order, and your petitioner infers from the conversation her attorney had with the agent at said time and from other indirect sources that the said order is based on the reports of examinations made by one Elliott and one Karn.

Your petitioner further represents and shows to the honorable Commissioner that at no time has the agent at said agency ever personally inspected, examined, or seen the horses described in said order to kill, and that this fact will be admitted by the agent and can be shown by his admissions made to your petitioner and her attorneys and to divers other agents and employees of the reservation.

In regard to the examination of said horses made by said Elliott, your petitioner says that said examination was superficial, and there were no tests used nor any means taken by which the said Elliott could have determined that said horses were afflicted with glanders; that he only spent in all a few hours in the examination of the bunch of horses owned by your petitioner, containing over 600 head; that he merely threw a few of the horses and looked in their nostrils; that he used no instruments nor made any other tests whatever by which he could have determined that the horses were glandered.

That in regard to the report of Veterinarian Karn, your petitioner would say that he apparently carefully examined the horses of your petitioner by injecting certain fluids in the neck of said animals, or a portion thereof, by examining the mucus taken from the nostrils of said animals, or a portion thereof, and that after such examination made as aforesaid that said Karn then and there stated to your petitioner and divers other and different persons, particularly to one of the farmers of said reservation, to one Charles Como, Oscar Rousseau, and James Anderson, that he had found no evidence of glanders and that Mr. Elliott had certainly made a mistake in the matter; that the horses heretofore killed by Mr. Elliott had been wrongfully destroyed, and that he would make and give to your petitioner a certificate showing that the horses that he examined were not in any manner or form afflicted with glanders or with any other diseases, and that the same were sound and all right.

Your petitioner further says that prior to the examination by said Karn, as hereinbefore stated, and subsequent to the examination by said Elliott, your petitioner caused said bunch of horses to be examined by one Tracey, who then was and still continues to be the Government veterinary surgeon at Fort Meade, in the State of South Dakota. Your petitioner further shows that said Tracey in examination of said bunch of horses occupied eleven days' time, working continually with said animals from 6 o'clock in the morning until noon and from 1 o'clock until 6 o'clock in the afternoon. Your petitioner further says that the said Tracey used and operated with all the tests known to his profession for the detection of the disease of glanders, and after his examination as aforesaid the said Tracey pronounced said horses free and clear from any trace of glanders or from any disease whatever. Your petitioner further says that after such examination the said Tracey, with your petitioner, went to the agency and informed the agent of the result of said examination as hereinbefore stated and requested the said agent that said Elliott be called to meet said Tracey and that they would then again examine the said bunch of horses that there might be no mistake in the matter; and your petitioner further represents that said Tracey wrote to said Elliott for the purpose of arranging a meeting for the examination of said horses, and that said Elliott wholly refused to meet said Tracey or to make any further examination of said horses.

Your petitioner further represents that since the granting of the order to suspend the order to kill and destroy the said "R" brand of horses that she requested from the agent permission to bring upon said reservation a competent veterinarian to examine said bunch of horses, and that said permission was denied until said agent should be further instructed by the Department.

Your petitioner further represents that she is willing and ready to procure the attendance of any veterinary surgeon who may be accessible, who is competent to examine said horses, and will give said horses an examination and make a report of the facts as they exist, uninfluenced by what may have been said and done heretofore in the premises.

Your petitioner further petitions the Department to select and send a veterinary surgeon to examine such horses, and most respectfully and sincerely petitions that some surgeon be selected who resides without the State of South Dakota and who will not be influenced by the position taken by the surgeons who have heretofore examined said horses.

Your petitioner further represents that said horses are now being close herded on the range immediately adjacent to the place of residence of your petitioner, and that your petitioner will continue to herd the same and prevent their commingling with other horses on the said reserve and other horses commingling with them during the time necessarily occupied in procuring, having, and conducting the examination of said bunch of horses.

Your petitioner further represents that if time be given for such examination she will conclusively prove to the honorable Commissioner that the order, the reports, and statements on which said order was based are totally erroneous and false; in fact, that said bunch of horses are totally and absolutely free from glanders and any diseases whatever.

Your petitioner further represents and shows to the honorable Commissioner that she is a mixed blood, but a citizen of the United States and of the State of South Dakota; that she is entitled to all the rights and privileges provided for under the act of Congress of June 7, 1897 (p. 90); that none of the horses included in this bunch and in the order aforesaid are issue horses, but are her own individual property, reared by herself, and your petitioner respectfully denies the jurisdiction of the Department of the Interior to make the order aforesaid or to make any order looking to the killing and destruction of said horses.

Your petitioner further shows that prior to obtaining your order of January 22, 1898, suspending the aforesaid order to kill said horses, your petitioner had made application for an injunction to the circuit court of the sixth judicial circuit of said State, and that afterwards said injunction was granted by said court and the same has been served upon the agent and other persons that your petitioner was informed would take part in the killing and destruction of said horses.

Your petitioner further shows and represents that your petitioner and her property are subject to the laws of the State of South Dakota, and that said laws are ample for the destruction of said horses if they are glandered or afflicted with any certain diseases, and your petitioner further says that it is not her desire to thwart any effort to kill said horses if they are found glandered or afflicted with any other diseases necessitating their destruction, and that all she desires is that a fair examination of said horses be made and that she have a chance to be heard and to be represented at such examination, and that if such rights and privileges be accorded to her she will show to the honorable Commissioner that said order is based upon reports which are absolutely and totally wrong in facts.

Wherefore your petitioner respectfully prays that said order to kill and destroy such bunch of horses remain suspended for a period of sixty days to enable your petitioner to have a further examination of said horses; that your petitioner during said period be allowed to take upon the said reservation a competent veterinary surgeon for the purpose of making such examination and reporting to the honorable Commissioner the results thereof, and that the honorable Commissioner appoint some competent veterinary surgeon outside of the State of South Dakota to make an examination of said horses at a certain time and place and that your petitioner be informed of such time and place, to the end that justice may be done your petitioner and her property be protected and not destroyed.

SHUNK & HUGHES,

*Attorneys for Petitioner.*

STATE OF SOUTH DAKOTA, *County of Hughes, ss:*

Romauld Rousseau, being first duly sworn, on oath says that he is the husband and agent of your petitioner, the said Esther Rousseau, and that he is conversant with all the facts stated in the petition, and that he is authorized to make and makes this petition on behalf of the said petitioner, and that the facts therein stated are true to his own personal knowledge, except as to such matters as are stated on information and belief, and as to such matters he believes them to be true.

R. ROUSSEAU.

Subscribed and sworn to before me this 27th day of January, 1898.

A. C. BRINK,

*Notary Public, South Dakota.*

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[Telegram.]

PIERRE, S. DAK., *February 5, 1898.*

The COMMISSIONER OF INDIAN AFFAIRS,

*Washington:*

Will you wire permission to go on reservation to examine Rousseau horses. Agent refuses to act till instructed.

SHUNK & HUGHES.

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ABERDEEN, S. DAK., *February 4, 1898.*

The COMMISSIONER OF INDIAN AFFAIRS,

*Washington, D. C.*

DEAR SIR: I am advised by the agent of the Cheyenne Agency, Hon. Peter Couchman, that an injunction has been served on him restraining him from further action in the destruction of the Rousseau horses. He also states that he has a message from the department of Indian Affairs at Washington to cease further action in the killing of these horses. This is written to state my position in the matter.

In the fall of 1894 I was called to examine this bunch of horses, but my time being limited I did not make a thorough examination. In the spring of 1895 I was again called, and spent thirty days, but again was unable to get all the horses rounded up properly. I was then satisfied that there was a ceratin clique of men keeping the stock out of the way, so that it was impossible to round up and properly finish the work.

In 1897 I was again called, and this time succeeded in rounding up all or nearly all of that brand of horses. And after a careful and thorough examination of all these horses, with a keen sense of the responsibility involved, I was forced to the conclusion that there was nothing to do in this case but to condemn the whole "R" brand of horses. My judgment has since been corroborated by Dr. L. C. Karn, who is a graduate of Toronto Veterinary College.

We have tested the virus from these horses by all the different tests known to the profession, and are prepared to sustain our opinions with the best of proof at any time. There is no doubt about this disease being glanders.

As State veterinarian I am unable to cope with this disease, as our legislature failed to make any appropriation for my office. And as these horses are upon Government lands and under the jurisdiction of the United States I am unable to reach them.

These horses are being spread all over the State, infecting the stock of all sections, and I consider it the duty of the General Government to detail some one to look after this matter, or empower me with sufficient authority to proceed.

I shall be pleased to furnish you with any information in my possession and to cooperate with any person you may appoint for this work.

Very respectfully,

J. W. ELLIOTT, V. S.,  
State Veterinarian.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
Washington, February 12, 1898.

The SECRETARY OF THE INTERIOR.

SIR: Under date of December 17, 1897, the Department authorized the United States Indian agent in charge of the Cheyenne River Reservation, S. Dak., to purchase cartridges, employ labor, etc., incident to the killing and cremation of "R" brand horses on said reservation suffering from glanders and condemned by two competent veterinary surgeons employed by the agent under proper authority from the Department. The agent of the Cheyenne River Agency, S. Dak., subsequently took the necessary steps to carry out the directions of the Department.

Under date of January 22, 1898, Hon. R. F. Pettigrew, United States Senate, addressed the following letter to this Office:

"I inclose a telegram about which I telephoned you this afternoon. I asked that this order be suspended for further investigation. I know these parties and think the order should be suspended, as they request. Will you please telegraph Agent Couchman to that effect?"

The telegram referred to in Senator Pettigrew's letter was from John F. Hughes, dated Pierre, S. Dak., January 21, 1898, and reads as follows:

"An order has been issued by Indian Office or Secretary Interior ordering "R" brand of horses on Cheyenne River Agency, S. Dak., immediately killed. Client Rousseau has just heard of this order and has had no time to appear and show erroneous. Have this order suspended by wire to Major Couchman, agent Cheyenne River Agency, S. Dak., for few days to enable Rousseau to have horses further examined. Government Surgeon Treacy, at Fort Fort, S. Dak., after thorough examination, reports to Rousseau that horses are free from glanders. We have other surgeons coming and want time for examination. This can do no harm and will save to Rousseau all the property she has, worth \$25,000. Answer my expense."

In compliance with Senator Pettigrew's request the following telegram was sent to Agent Couchman by this Office on the 22d ultimo:

"Suspend order to destroy glandered horses of "R" brand until further orders."

The following letter was also addressed by me to Senator Pettigrew on the same date:

"In compliance with your request of this date, based upon a telegram of John F. Hughes, of Pierre, S. Dak., I have telegraphed the United States

Indian agent at Cheyenne River Agency, S. Dak., to suspend the destruction of glandered horses of "R" brand until further orders. As Mr. Hughes asks that the order be suspended for a few days only, I have telegraphed Agent Couchman with the understanding that the suspension shall be for a very brief period, unless it can be clearly shown that the order is erroneous."

I now have the honor to inclose herewith copy of a letter from Messrs. Shunk & Hughes, of Pierre, S. Dak., attorneys for Mrs. Esther Rousseau, the alleged owner of the "R" brand horses ordered killed; also copy of Mrs. Rousseau's petition praying that said order be suspended and a further examination made of her horses, for reasons set forth therein.

I also inclose a copy of a communication from J. W. Elliott, State veterinarian for South Dakota (who made the first examination of said "R" brand horses and recommended the destruction of the entire herd, which recommendation was subsequently concurred in by L. C. Karn, veterinary surgeon, who made an additional examination of said brand under authority from the Department dated October 7, 1897), setting forth fully the history of the case, and stating:

"\* \* \* In 1897 I was again called, and this time succeeded in rounding up nearly all of that (Rousseau) brand of horses, and after a careful and thorough examination of all these horses, with a keen sense of the responsibility involved, I was forced to the conclusion that there was nothing to do in this case but to condemn the whole "R" brand of horses. My judgment has since been corroborated by Dr. L. C. Karn, who is a graduate of Toronto Veterinary College.

"We have tested the virus from these horses by all the different tests known to the profession, and are prepared to sustain our opinions with the best of proof at any time. There is no doubt about this disease being glanders.

"As State veterinarian I am unable to cope with this disease, as our legislature failed to make any appropriation for my office. As these horses are upon Government lands and under the jurisdiction of the United States, I am unable to reach them.

"These horses are being spread all over the State, infecting the stock of all sections, and I consider it the duty of the General Government to detail some one to look after this matter or empower me with sufficient authority to proceed.

"I shall be pleased to furnish you with any information in my possession and to cooperate with any person you may appoint for this work."

In this connection I might add that the glanders was first discovered among horses on the Cheyenne River Reserve in 1891, and the Department has from time to time since that date authorized the agent in charge of said reservation to expend large sums of money in the employment of veterinary surgeons to examine and kill horses afflicted with said disease. It now appears that the only course left to stamp out the disease from the reservation is to destroy the entire "R" brand, as authorized by the Department.

Before taking further action in the premises, and in order that no possible injustice may be done the owner of the horses, I have to respectfully recommend that the honorable Secretary of Agriculture be requested to detail a competent person from his Department to proceed to the Cheyenne River Agency, S. Dak., and make a rigid and careful examination of all horses stamped with the "R" brand belonging to said Rousseau. And as the interests involved are very large, I also recommend that the honorable Secretary of War be requested to detail some competent veterinary surgeon, who shall be entirely independent of any bias in the matter, to act with the expert from the Department of Agriculture. It is also suggested that perhaps the matter is important enough for the Department to have a representative of its own to assist in the examination. When the examination is completed, the experts selected should make a full report in the matter, accompanying it with such recommendations as the case demands. It is desirable that this investigation be made as early as practicable.

The actual and necessary traveling expenses of the persons detailed will be paid by this office from the appropriation "Support of Sioux, different tribes, subsistence and civilization, 1898," upon presentation of proper vouchers (in duplicate) with subvouchers attached.

Very respectfully,

A. C. TONNER,  
*Acting Commissioner.*

COMMITTEE ON EDUCATION AND LABOR,  
UNITED STATES SENATE,  
February 9, 1898.

The COMMISSIONER OF INDIAN AFFAIRS, *City.*

DEAR SIR: Permit me to invite attention to a letter from Agent Couchman, Cheyenne Agency, S. Dak., which I hand you herewith. I know nothing as to the actual facts in this matter, but have unbounded confidence in the judgment and honor of Mr. Couchman. I know him to be a most conscientious official, and I believe you will find that he can be fully relied upon in all matters pertaining to the best interest of the service.

Yours, very truly,

JAMES H. KYLE.

CHEYENNE RIVER AGENCY, S. DAK., *January 29, 1898.*

HON. JAMES H. KYLE,

*United States Senate, Washington, D. C.*

MY DEAR SENATOR: I think Mr. Elliott spoke to you about the glandered horses he had examined on this reserve belonging to one Rousseau. Subsequently they were examined by Doctor Karn, veterinary surgeon, of Webster, S. Dak., who concurred in the views of Doctor Elliott, and thereupon I received orders from the Department to destroy the entire "R" brand belonging to the said Rousseau. I had made all preparations to commence the work—built a large corral in a suitable place so as to have them all together in order that the carcasses could be easily destroyed, all of which required considerable time, as there are from 500 to 700 head in the bunch. Just as I had all necessary arrangements completed, I received a message from the Department to suspend further action, which order I am just as well satisfied with as to have gone on with the work; but I am confident they are glandered from what so many Indians say about their horses catching it from this herd. I am also sure that we lost one of our best horses by its being in Rousseau's stable. His whole herd has been bred from glandered stallions and mares, and his own relatives were the first to complain about them.

I am informed that this stay of proceedings was brought about by Senator Pettigrew, but think he will not oppose further action when he is advised of all the facts in the matter. Now, the next step, I am quite sure, that Rousseau's attorneys will take will be to try and have these horses examined by some veterinary of their own selection, which should not be permitted. I wish you would see the Commissioner and have it understood that some competent man is selected, who knows nothing of the case and hence can not be prejudiced.

I would have written the Department, but feared they might think me one-sided in my views in this matter; but I am not, and only want a fair test made. I am sure what the result would be if they can get a veterinary of their own selection, especially if money could be used. I think you can see the justice or injustice in making this selection. I know the Department wants nothing but what is right and fair, and that is all I am after.

Excuse me for troubling you so much, but I will certainly appreciate your attentions in this matter and feel grateful if you will see to this.

Very respectfully,

PETER COUCHMAN,  
*United States Indian Agent.*

CHEYENNE RIVER AGENCY, S. DAK., *February 9, 1898.*

The COMMISSIONER OF INDIAN AFFAIRS,

*Washington, D. C.*

DEAR SIR: The chiefs of the Cheyenne River Agency, S. Dak., never have asked the Department to send a horse doctor here to examine those horses and have them killed.

If any claims for the horses that were killed in this reservation should be made we wish to state that we object that any money for such a purpose should be taken from the Indian funds. We, undersigned on the bill.

Paul White Swan (his x mark), Matthews Charger (his x mark), Abraham No Heart (his x mark), Aleck Swift Bird (his x mark), Joseph Four Bear (his x mark), Jacob Walk Rattle Rib (his x mark), Touching the Sky (his x mark), Moses Crow Feather (his x mark), Daniel Walking Crane (his x mark), Paul Crow Eagle (his x mark), Thomas Takes him Standing (his x mark).

UNITED STATES DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
*Washington, D. C., February 21, 1898.*

The SECRETARY OF THE INTERIOR.

SIR: I have the honor to acknowledge the receipt of your letter of the 16th instant, with a copy of papers relating to the alleged existence of glanders in a band of horses on the Cheyenne River Indian Reservation, S. Dak. As requested, this Department will detail an official veterinarian to make a careful and rigid examination of these horses, who will report recommendations in the case.

As soon as an inspector is designated for this investigation I will advise you and make further arrangements in regard to this case.

Very respectfully,

JAMES WILSON, *Secretary.*

UNITED STATES DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
*Washington, D. C., February 23, 1898.*

The SECRETARY OF THE INTERIOR.

SIR: Referring to previous correspondence concerning the alleged existence of glanders in a band of horses on the Cheyenne River Indian Reservation, S. Dak., I have the honor to advise you that this Department has selected for this investigation Dr. Robert H. Treacy, Bismarck, N. Dak., and assistant inspector of the Bureau of Animal Industry of this Department. Please inform me of the date on which a veterinary surgeon will be detailed by the War Department, in order that the inspector from this Department may be notified of the time and place at which he will meet the person so detailed.

Very respectfully,

JAMES WILSON, *Secretary.*

WAR DEPARTMENT.  
*Washington, D. C., February 25, 1898.*

The SECRETARY OF THE INTERIOR.

SIR: I have the honor to acknowledge receipt of your letter of the 16th instant, requesting that a veterinary surgeon of the United States Army be detailed to act with the expert from the Department of Agriculture in the examination of horses on the Cheyenne River Indian Reservation, S. Dak., bearing the "R" brand and belonging to Mrs. Esther Rousseau, and to inclose herewith a copy of a letter from the Adjutant-General's Office, addressed to the commanding general Department of Dakota, directing him to detail, for the purpose indicated, the veterinary surgeon of the Eighth Cavalry, now stationed at Fort Yates, N. Dak.

Very respectfully,

R. A. ALGER, *Secretary of War.*

ADJUTANT-GENERAL'S OFFICE.  
*Washington, February 25, 1898.*

The COMMANDING GENERAL DEPARTMENT OF DAKOTA,  
*St. Paul, Minn.*

SIR: The Major-General Commanding the Army instructs me to transmit herewith a letter from the Acting Secretary of the Interior, inclosing certain papers relating to the condition of horses on the Cheyenne River Indian Reservation, S. Dak., bearing the "R" brand and belonging to Mrs. Esther Rousseau, and to inform you that the Secretary of War directs that you detail the veterinary surgeon of the Eighth Cavalry, now serving at Fort Yates, N. Dak., to act with the expert from the Department of Agriculture in the examination of the horses specified; that actual and necessary expenses be paid by the Commissioner of Indian Affairs, as proposed in the letter from the Interior Department.

Very respectfully,

H. C. CORBIN,  
*Acting Adjutant-General.*



CHEYENNE RIVER AGENCY, S. DAK., *March 2, 1898.*

The COMMISSIONER OF INDIAN AFFAIRS.

*Washington, D. C.*

SIR: I have the honor to state that since receiving your telegram of January 22 last, to suspend orders to destroy the "R" brand of horses, I have been served with notice of injunction proceedings by the attorneys for Rousseau, the papers of which I inclose herewith for your information, with the request that you give me such instructions in the matter as you may deem necessary.

I am informed that as soon as I am relieved as agent Rousseau intends bringing a personal action against Doctor Elliott and myself for damages sustained in the loss of the horses heretofore condemned and destroyed. If that is true, will it require my personal attention in defense or will the Department protect my interests in that action?

The reason I have not written about this matter before now is because I have been awaiting further instructions from your office.

I will thank you to return to me the inclosed papers.

Very respectfully.

PETER COUCHMAN,  
*United States Indian Agent.*

State of South Dakota, county of Stanley, in the circuit court, sixth judicial circuit. Esther Rousseau, plaintiff, *v.* Peter Couchman, J. K. Seckler (whose true Christian name is to plaintiff unknown), Douglas F. Carlan, and Scares the Hawk, defendants.

*Summons.*

The State of South Dakota sends greeting:

To said defendants you and each of you are hereby summoned and required to answer the complaint of the plaintiff, Esther Rousseau, herein, a copy of which complaint is herewith served upon you, and to serve a copy of your answer on the subscriber at their office in the Hilges Block, in the city of Pierre, Hughes County, S. Dak., within thirty days after the service of this summons upon you, exclusive of the day of service, and if you fail so to do the plaintiff will apply to the court for the relief demanded in said complaint, besides the costs of this action.

SHUNK & HUGHES,  
*Attorneys for Plaintiff.*

PIERRE, S. DAK., *January 21, 1898.*

State of South Dakota, County of Stanley, in circuit court, sixth judicial circuit. Esther Rousseau, plaintiff, *v.* Peter Couchman, J. K. Seckler (whose true Christian name is to plaintiff unknown), Douglas F. Carlan, and Scares the Hawk, defendants.

*Complaint.*

The plaintiff complains and alleges:

First. That she is the owner and entitled to the immediate possession of the following described personal property, to wit, five hundred head of horses, branded "R" on left thigh or hip, of the value of \$25,000.

Second. That the said defendants on or about the 20th day of January, 1898, wrongfully and unlawfully took said chattels from the possession of said plaintiff, and ever since have, and now do, wrongfully and unlawfully retain possession of said chattels, in the county of Armstrong (said county of Armstrong is attached to the county of Stanley, in the State of South Dakota, for judicial purposes, said Stanley County being the county in which this action is brought), and are about to kill and destroy the same to this plaintiff's damage in the sum of \$25,000.

Third. That said property has not been taken for a tax, assessment, or fine pursuant to statute, or seized under an execution against the property of the plaintiff or by any authority of law.

Wherefore plaintiff demands judgment against said defendants for the possession of said property, or for the sum of \$25,000, the value thereof, in case said property can not be delivered, and for the costs and disbursements of this action.

SHUNK & HUGHES,  
*Attorneys for Plaintiff.*

STATE OF SOUTH DAKOTA, COUNTY OF HUGHES, ss:

John F. Hughes, being duly sworn, on oath says:

That he is one of the attorneys for the plaintiff in the above-entitled action; that he has read the foregoing complaint and knows the contents thereof and that same is true to best knowledge and belief of affiant; that the reason why this verification is made by the attorney and not by the plaintiff is that said plaintiff is absent from and not now within the county of Stanley, State of South Dakota, the county in which said action is brought, and from Hughes County, where plaintiff resides.

JOHN F. HUGHES.

Subscribed and sworn to before me this 21st day of January, 1898.

[SEAL.]

B. J. BRUFORD,

*Notary Public in and for Hughes County, S. Dak.*

State of South Dakota, county of Stanley, in circuit court, sixth judicial circuit.  
 Esther Rousseau, plaintiff, v. Peter Couchman, J. K. Seckler (whose true Christian name is to plaintiff unknown), Douglas F. Carlan, and Scares the Hawk, defendants.

STATE OF SOUTH DAKOTA, *County of Hughes, ss:*

Romauld Rousseau, being first duly sworn, on oath says:

That he is the agent of Esther Rousseau, the plaintiff in the above-entitled action, and is authorized to make and makes this affidavit for and on behalf of said plaintiff.

That the plaintiff has commenced an action in the above-entitled court for the recovery of the possession of 500 head of horses, the property of the plaintiff, and which property is of the value of \$25,000, and that no answer has been made or served in said action, and a copy of the complaint and summons in said action is hereto attached and made a part hereof.

That the said plaintiff is the absolute owner of said property and is entitled to the immediate possession of the same, and that said property is unlawfully withheld from the possession of the plaintiff by the defendants in the county of Armstrong, State of South Dakota, and that they have no title or interest in or to said property or any part thereof.

That the said defendants threaten to kill and destroy said horses immediately, and that they are about to kill and destroy all of said horses immediately.

That if they are not immediately restrained by the injunction of this court they will kill and destroy all of said property and damage this plaintiff in the sum of \$25,000.

That they, and each of them, have no sufficient property or means out of which a judgment in said action could be made and collected, and that if by the destruction of said property the plaintiff shall be compelled to take a judgment in said action for the value of said property said judgment could not be made or collected on execution or otherwise against the property of the defendants, and if they are not restrained from the killing and destroying of said property any judgment which said plaintiff may obtain will be rendered wholly ineffectual and worthless to her.

That the plaintiff has no other speedy and adequate remedy at law and is not able to obtain immediate possession of said property.

That the Hon. Loring E. Gaffy, judge of the circuit court in and for said county of Stanley and the sixth judicial circuit, in which said action is pending, is now temporarily absent from and without the territorial limits of the State of South Dakota.

Wherefore affiant prays for an injunction against the defendants and each of them, their agents, servants, employees, or attorneys, restraining all and each of them, pending the termination of the said action, from killing and destroying said property or any part thereof, or in any manner injuring or damaging the same.

ROMAULD ROUSSEAU.

Subscribed and sworn to before me this 21st day of January, 1898.

[SEAL.]

B. J. BRUFORD,

*Notary Public in and for Hughes County, S. Dak.*

State of South Dakota, county of Stanley, in circuit court, sixth judicial circuit.  
 Esther Rousseau, plaintiff, v. Peter Couchman, J. K. Seckler (whose true Christian name is to plaintiff unknown), Douglas F. Carlan, and Scares-the-Hawk, defendants.

Upon filing and reading the annexed and foregoing affidavit of Romauld Rousseau, together with the summons and complaint therein, and it appearing to the court that an action has been commenced by the plaintiff, Esther Rousseau, against said defendants for the possession of 500 head of horses, of the value of \$25,000, which said horses are more particularly described in said complaint, and it further appearing by the affidavit of Romauld Rousseau, the agent of said plaintiff, that he has authority to make and makes such affidavit on the part of the plaintiff, from which said affidavit it appears further that said defendants are about to kill and destroy said horses, the property of said plaintiff and of the value aforesaid, and will so kill and destroy said property unless restrained by the order of said court, and it further, appearing from said affidavit that such killing and destruction of said property is in violation of said plaintiff's rights therein and will tend to render any judgment that may be entered in said action inefficient, and it further appearing that said plaintiff has no other speedy and adequate remedy at law, and it further appearing that the Hon. Loring E. Gaffy, judge of the circuit court in and for said county of Stanley and the sixth judicial circuit, in which said action is pending, is now temporarily absent from and without the territorial limits of the State of South Dakota:

Now, on motion of Shunk & Hughes, attorneys for the plaintiff,

*Be it ordered*, That you, the said Peter Couchman, J. K. Seckler, Douglas P. Carlan, and Scares the Hawk, your agents, servants, and all persons acting under your authority, and each of you, are hereby restrained and prohibited from killing and destroying any of the horses described in the complaint in said action and in the affidavit of said Romauld Rousseau, a copy of which is hereby served upon you, which said horses are described in said complaint and affidavit as being branded "R" on left thigh or hip; and

*It is further ordered*, That a copy of this injunctive order and of the affidavit complaint on which the same is based be forthwith served upon each of the said defendants.

Done at chambers at the city of Mitchell, S. Dak., this 22d day of January, 1898.

By the court:

FRANK B. INUCH, *Judge*.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
 Washington, March 9, 1898.

PETER COUCHMAN,

*United States Indian Agent, Cheyenne River Agency, S. Dak.*

SIR: Referring to the correspondence between this Office and yourself relative to the killing of "R" brand horses on the reservation under your charge, and especially to office telegram of January 22, 1898, directing you to suspend order to destroy glandered horses of "R" brand until further orders, you are now advised that upon the recommendation of this Office the War Department has detailed the veterinary surgeon of the Eighth Cavalry, now serving at Fort Yates, N. Dak., to make a further careful and rigid examination of said "R" brand horses, and the Agricultural Department has also detailed Dr. Robert H. Tracy, of Bismarck, N. Dak., an assistant inspector of the Bureau of Animal Industry of said Department, for the same purpose, these gentlemen to make full report in the matter, accompanied by such recommendation as the case demands.

The persons mentioned will visit your reservation very shortly, and you are directed to furnish them with such information and assistance as they may desire in carrying out instructions from their respective Departments. You will also supply them with necessary vouchers for use in making up their traveling-expense accounts and enlighten them as to the manner of preparing said vouchers, so that they may be in proper form when presented to this Office for settlement through the Treasury Department.

Copies of letters from the War and Agricultural Departments are herewith transmitted.

Very respectfully,

A. C. TONNER, *Acting Commissioner*.

WAR DEPARTMENT,  
Washington, March 3, 1898.

The SECRETARY OF THE INTERIOR.

SIR: Referring to your letter of the 25th ultimo, requesting that you be advised as to the date on which the veterinary surgeon will be detailed by the War Department to assist Dr. Robert H. Treacy, of the Department of Agriculture, in the examination of certain horses on the Cheyenne River Indian Reservation, I have the honor to inform you that the commanding general, Department of Dakota, has instructed Veterinary Surg. Richard B. Corcoran, Eighth Cavalry, stationed at Fort Yates, N. Dak., to confer with Doctor Treacy by telegraph and to make definite arrangements with him for the time and place of their meeting for the purpose indicated.

Very respectfully,

R. A. ALGER, *Secretary of War.*

UNITED STATES DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, D. C., March 5, 1898.

The SECRETARY OF THE INTERIOR.

SIR: Referring to your letter of the 1st instant, Dr. Robert H. Treacy, Bismarck, N. Dak., has been advised of the detail of the veterinary surgeon of the Eighth Cavalry, stationed at Fort Yates, N. Dak., to act with him in examining the band of horses on the Cheyenne River Indian Reservation referred to in previous correspondence. I have advised him that his salary during this time will be paid by this Department, and in accordance with the proposition contained in your letter of the 16th ultimo the actual and necessary expenses will be paid by the Commissioner of Indian Affairs upon the presentation of proper vouchers. Kindly have the proper blanks and instructions issued to Doctor Treacy in order that he may be paid the traveling expenses referred to.

Very respectfully,

JAMES WILSON, *Secretary.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, March 9, 1898.

Dr. ROBERT H. TREACY,  
Bismarck, N. Dak.

SIR: Under date of March 5 last the honorable Secretary of Agriculture requests that proper blanks and instructions be issued to you in order that you may be reimbursed for traveling expenses to be incurred in carrying out instructions of his Department in the matter of examination of glandered horses on the Cheyenne River Reservation, S. Dak.

You are advised that the United States Indian agent at the Cheyenne River Agency, S. Dak., will supply you with blank vouchers, and will also render you such aid in the preparation thereof as may be necessary in the premises.

Receipts for all expenditures should be taken, same to be filed with original voucher, before transmitting to this Office for payment through the Treasury Department.

Very respectfully,

A. C. TONNER,  
*Acting Commissioner.*

UNITED STATES DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, D. C., March 11, 1898.

SECRETARY INTERIOR:

Doctor Treacy telegraphs "will Commissioner of Indian Affairs send letter of authority and instructions to Bismarck or Forest City? Have received several inquiries from commanding officer at reservation when I will start. Awaiting instructions." Kindly issue instructions or notify this Department.

JAMES WILSON, *Secretary.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, March 14, 1898.*

THE SECRETARY OF THE INTERIOR.

SIR: I have the honor to acknowledge receipt, by Department reference of the 12th instant, of a letter from the honorable Secretary of Agriculture, dated the 11th instant, relative to issuing instructions to Doctor Treacy, who has been detailed to make examination of certain horses now on the Cheyenne River Reservation, S. Dak.

In reply thereto you are respectfully informed that the following letter was addressed by this office to Dr. Robert H. Treacy at Bismarck, N. Dak., on the 9th instant, and has doubtless been delivered to him ere this, viz:

"Under date of March 5 last, the honorable Secretary of Agriculture requests that proper blanks and instructions be issued to you in order that you may be reimbursed for traveling expenses to be incurred in carrying out instructions of his Department in the matter of examination of glandered horses on the Cheyenne River Reservation, S. Dak.

"You are advised that the United States Indian agent at Cheyenne River Agency, S. Dak., will supply you with blank vouchers, and will also render you such aid in the preparation thereof as may be necessary in the premises.

"Receipts for all expenditures should be taken, same to be filed with original voucher, before transmitting to this office for payment through the Treasury Department."

The letter from the honorable Secretary of Agriculture is respectfully returned.

Very respectfully,

A. C. TONNER, *Acting Commissioner.*

DEPARTMENT OF THE INTERIOR,  
*Washington, March 15, 1898.*

THE SECRETARY OF AGRICULTURE.

SIR: I have the honor to acknowledge the receipt of your communication of the 11th instant, asking to be notified as to the instructions given Doctor Treacy, detailed to make examination of a band of glandered horses on the Cheyenne River Reservation, S. Dak.

In response thereto I transmit herewith a copy of a communication of the 14th instant from the Commissioner of Indian Affairs showing the action taken in the matter.

Very respectfully,

C. N. BLISS, *Secretary.*

LAW OFFICE OF SHUNK & HUGHES,  
*Pierre, S. Dak., March 7, 1898.*

THE COMMISSIONER OF INDIAN AFFAIRS,  
*Washington, D. C.*

MY DEAR SIR: We have the honor to transmit by to-day's mail to you the certificate of Doctor Dalton, of Chicago, in the matter of the "R" brand of horses which were to be destroyed under your recent order to the agent on the Cheyenne River Indian Reservation.

The report will show that a very careful examination was made of these horses with the result as stated.

We also transmit herewith the affidavit of Mr. Sage, who was present at such examination.

As soon as it is possible under existing circumstances we will transmit to you the affidavit of Mr. Seckler, one of the farmers of said reservation, who was also present at such examination of horses, which will show the facts as in the certificate and affidavit herein stated.

As we before petitioned you on behalf of Mr. Rousseau to send here a competent veterinary surgeon to examine these horses, and asked that such surgeon be selected outside of the State of South Dakota that he might not be influenced by the examination and report of the doctors residing here in the State, so again Mr. Rousseau desires us to write you asking that such examina-

tion be made by any outside surgeon whom you may select, feeling certain that after such examination, if you are not now satisfied, that you will be thoroughly convinced that the order to kill such horses was based on erroneous information.

Awaiting your reply, we have the honor to be,

Very truly, yours,

SHUNK & HUGHES.

PIERRE, S. DAK., *February 22, 1898.*

I, F. A. Dalton, of Chicago, Ill., hereby certify that I am a graduate of the Chicago Veterinary College, and that I have acted as the assistant of Prof. A. H. Baker, of Chicago, Ill., and as such assistant have had additional experience in the matter of the diagnosis and treatment of the diseases of horses; that at the request of R. Rousseau I came to the city of Pierre for the purpose of examining his bunch of horses known and described as the "R" brand, the same being located on the Cheyenne River Indian Reservation in said State of South Dakota; that I began such examination on February 2, 1898, and have been engaged in such examination for the term of seventeen days; that such examination was conducted in the presence of J. K. Seckler, who is an employee of such Indian agency as one of the superintendents of farming, and in the presence of one Sage; that the manner of examination was as follows: To catch and throw each of said animals, unless such animal was broken, and examine the nostrils, the mucous lining of the nose, and the lymphatic glands of the submaxillary space, examining the lymphatics of the arm and thigh. In case there was any suspicions of disease I then used the Mallein test. I also allowed any other person to select any animal on which to try said Mallein test.

I further certify that I used said test on some yearling colts from mares that I am informed were killed during the fall of 1897, and used said test on a certain bay gelding which had been condemned as glandered and shot during the fall of 1897, as I am informed and believed, and which survived the effect of such shooting, and that such horse or gelding shows no signs or evidences of such disease, nor did any of such colts or others examined. I examined, as herein stated, about 375 to 385 head of horses, and I hereby certify that such horses examined are free from glanders.

I found a few cases of catarrh and some cases of distemper among the colts. I further certify that all of said horses look and are in good condition, and that it would be an act of great injustice to cause said animals or any of them to be killed, and as entirely useless and wrongful destruction of property valued at about \$35 per head. I further certify that said Seckler and Sage watched carefully this examination, and can certify to the result as stated.

I further certify that I have no personal interest in this matter, and at the time of coming to Pierre I was an absolute stranger to all the parties referred to herein, as well as to Messrs. Shunk & Hughes, attorneys for said Rousseau.

Dated Pierre, S. Dak., February 22, 1898.

F. A. DALTON, M. D. C.

STATE OF SOUTH DAKOTA, *County of Hughes:*

I, W. L. Shunk, being duly sworn, on oath say that I have compared the foregoing with the original certificate made by Doctor Dalton, and in my possession, and that same is a true copy, also that of Mr. Sage.

W. L. SHUNK.

Subscribed and sworn to this 7th day of March, 1898.

CHAS. H. BURKE,  
*Notary Public, South Dakota.*

STATE OF SOUTH DAKOTA, *County of Hughes, ss:*

Jeff H. Sage, being duly sworn, on oath says: That he is a resident of Sully County, S. Dak., and has been there resident for the term of fourteen years; is 42 years old, and that during his residence in Sully County, S. Dak., he has been engaged in the business of raising and handling horses; that by reason of such business he has had experience in detecting the disease of glanders, and in the manner and form in which it develops; that he was present at the examination of the "R" (Rousseau) brand of horses made

by Doctor Dalton, and held and examined each of said horses, except the number of 68 head, which were examined during my absence; that I examined the nostrils, glands, and limbs of each of said animals, and found and could discover no signs or evidences of such disease; that said horses are in good condition and worth the sum of \$40 per head; that to kill and destroy said horses would be a wanton destruction of property and a great injustice to the owner. At said examination there was present J. K. Seckler, one of the farmers on the Cheyenne River Indian Reservation. I was also present and assisted in the mallein tests made by Doctor Dalton, and that by said tests there were no evidences of glanders. There were seventeen or eighteen tests made with mallein. I further swear that I have no interest in such horses or any thereof.

JEFF H. SAGE.

Subscribed and sworn to before me this 1st day of March, 1898.

[SEAL.]

B. J. BINFORD,  
Notary Public, South Dakota.

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DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
Washington, March 15, 1898.

Messrs. SHUNK & HUGHES,  
Attorneys, Pierre, S. Dak.

SIRS: I have to acknowledge receipt of your communication of March 7 last, inclosing copy of certain affidavits in the matter of "R" brand horses on the Cheyenne River Reservation, S. Dak.

In reply thereto you are advised that proper action is now being taken by this Department in regard to said horses before giving the agent at the Cheyenne River Agency final instructions in the premises.

Very respectfully,

W. A. JONES, Commissioner.

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DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
Washington, March 16, 1898.

PETER COUCHMAN,  
United States Indian Agent Cheyenne River Agency, S. Dak.

SIR: I am in receipt of your communication of the 2d instant relative to injunction proceedings instituted by the attorneys of Mrs. Esther Rousseau, of further proceedings likely to be instituted against you, etc.

In reply thereto you are advised that the following letter has this day been addressed by me to the honorable Secretary of the Interior, and the United States district attorney representing your district will doubtless receive necessary instructions from the Department of Justice in the near future, namely:

"Referring to Office letter of February 12 last, making full report in the matter of glandered horses on the Cheyenne River Reservation, S. Dak., stamped with the "R" brand and reported to be the property of Mrs. Esther Rousseau, an Indian woman. I now have the honor to transmit herewith copy of a letter from Peter Couchman, United States Indian agent at the Cheyenne River Agency, S. Dak., dated March 2, 1898, with accompanying inclosures, from which it will be observed that injunction proceedings have been instituted against him by said Esther Rousseau to prevent the killing of her horses. The agent further states that he is informed that as soon as he shall have been relieved as agent said Mrs. Rousseau contemplates bringing a personal action against Doctor Elliott (the veterinary surgeon who, after a careful examination, reported said horses afflicted with glanders) and himself for damages sustained in the loss of the horses heretofore condemned and destroyed by him (the agent) under proper authority of the Department.

"In view of the fact that Agent Couchman was carrying out instructions of the Department in killing glandered horses on the reservation under his charge, I have to respectfully recommend that the papers in the case be transmitted to the honorable Attorney-General, with the request that the proper United States

district attorney be instructed to defend Mr. Couchman in such proceedings as may have or may hereafter be instituted by said Esther Rousseau, or those acting in her behalf, in the matter herein referred to, and that this Office be informed as to the action taken in the premises, to the end that Mr. Couchman may be advised accordingly."

Very respectfully,

W. A. JONES, *Commissioner.*

COMMITTEE ON INDIAN AFFAIRS, UNITED STATES SENATE,  
Washington, D. C., March 14, 1898.

Hon. WM. A. JONES,

*Commissioner Indian Affairs, Washington, D. C.*

DEAR SIR: I inclose herewith a paper in relation to the glandered horses on the Rosebud Reservation, belonging to R. Rousseau. I hope you will give this matter careful consideration.

Yours, respectfully,

R. F. PETTIGREW.

PIERRE, S. DAK., February 22, 1898.

I, F. A. Dalton, of Chicago, Ill., hereby certify that I am a graduate of the Chicago Veterinary College, and that I have acted as the assistant of Prof. A. H. Baker, of Chicago, Ill., and as such assistant have had additional experience in the matter of the diagnosis and treatment of the diseases of horses; that at the request of R. Rousseau I came to the city of Pierre for the purpose of examining his bunch of horses known and described as the "R" brand, the same being located on the Cheyenne River Indian Reservation in said State of South Dakota; that I began such examination on February 2, 1898, and have been engaged in such examination for the term of seventeen days; that such examination was conducted in the presence of J. K. Seckler, who is an employee of such Indian agency as one of the superintendents of farming, and in the presence of one Sage; that the manner of examination was as follows: To catch and throw each of said animals, unless such animal was broken, and examine the nostrils, the mucous lining of the nose, and the lymphatic glands of the submaxillary space, examining the lymphatics of the arm and thigh. In case there was any suspicions of disease I then used the mallein test. I also allowed any other person to select any animal on which to try said mallein test.

I further certify that I used said test on some yearling colts from mares that I am informed were killed during the fall of 1897, and used said test on a certain bay gelding which had been condemned as glandered and shot during the fall of 1897, as I am informed and believe, and which survived the effect of such shooting, and that such horse or gelding shows no signs or evidences of such disease, nor did any of such colts or others examined. I examined, as herein stated, about 375 to 385 head of horses, and I hereby certify that such horses examined are free from glanders.

I found a few cases of catarrh and some cases of distemper among the colts. I further certify that all of said horses look and are in good condition, and that it would be an act of great injustice to cause said animals or any of them to be killed, and an entirely useless and wrongful destruction of property valued at about \$35 per head. I further certify that said Seckler and Sage watched carefully this examination and can certify to the result as stated.

I further certify that I have no personal interest in this matter, and at the time of coming to Pierre I was an absolute stranger to all the parties referred to herein, as well as Messrs. Shunk & Hughes, attorneys for said Rousseau.

Dated Pierre, S. Dak., February 22, 1898.

F. A. DALTON, M. D. C.



STATE OF SOUTH DAKOTA, *County of Hughes, ss:*

Jeff H. Sage, being duly sworn, on oath says that he is a resident of Sully County, S. Dak., and has been there resident for the term of fourteen years; is 42 years old, and that during his residence in Sully County, S. Dak., he has been engaged in the business of raising and handling horses; that by reason of such business he has had experience in detecting the disease of glanders, and in the manner and form in which it develops; that he was present at the examination of the "R" (Rosseau) brand of horses made by Doctor Dalton, and held and examined each of said horses except the number of 68 head, which were examined during my absence; that I examined the nostrils, glands, and limbs of each of said animals and found and could discover no signs or evidences of such disease. That said horses are in good condition and worth the sum of \$40 per head; that to kill and destroy said horses would be a wanton destruction of property and a great injustice to the owner. At said examination there was present J. K. Seckler, one of the farmers on the Cheyenne River Indian Reservation.

I was also present and assisted in the Mallein tests made by Doctor Dalton, and that by said tests there were no evidences of glanders. There were 17 or 18 tests made with Mallein. I further swear that I have no interest in such horses or any thereof.

JEFF H. SAGE.

Subscribed and sworn to before me this 1st day of March, 1898.

B. J. BINFORD,  
*Notary Public, South Dakota.*

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*Washington, March 18, 1898.*

HON. R. F. PETTIGREW, *United States Senate.*

SIR: I have the honor to acknowledge the receipt of your communication of the 14th instant, transmitting certain copies of affidavits in the matter of "R" brand horses on the Cheyenne River Reservation, S. Dak., and requesting that the subject be given careful consideration.

In reply thereto you are respectively advised that the Office is further investigating this matter before giving the United States Indian agent at the Cheyenne River Agency, S. Dak., final instructions in the premises.

Very respectfully,

W. A. JONES, *Commissioner.*

DEPARTMENT OF JUSTICE,  
*Washington, D. C., March 21, 1898.*

The SECRETARY OF THE INTERIOR.

SIR: In compliance with the request contained in your letter of the 17th instant, I have directed James D. Elliott, United States attorney for South Dakota, to defend the proceedings that have been, or may hereafter be, instituted on behalf of Mrs. Esther Rousseau against Peter Couchman, United States Indian agent, Cheyenne River Agency, and others for damages sustained by her in the loss of glandered horses condemned and destroyed by said agent under proper authority.

Very respectfully,

JOHN W. GRIGGS,  
*Attorney-General.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, March 29, 1898.*

PETER COUCHMAN,

*United States Indian Agent, Cheyenne River Agency, S. Dak.*

SIR: Referring to my letter of March 16 last, informing you as to the action taken on your communication of the 2d instant (relative to having the United States district attorney for South Dakota defend you in any proceedings instituted against you by Mrs. Esther Rousseau), you are now advised that this office is in receipt, by reference from the Department, of the following letter, dated March 21, 1898, from the Department of Justice, namely:

"The SECRETARY OF THE INTERIOR.

"SIR: In compliance with the request contained in your letter of the 17th instant, I have directed James D. Elliott, United States attorney for South Dakota, to defend the proceedings that have been or may be hereafter instituted on behalf of Mrs. Esther Rousseau against Peter Couchman, Indian agent, Cheyenne River Agency, and others, for damages sustained by her in the loss of glandered horses condemned and destroyed by said agent under proper authority.

"Very respectfully,

JOHN N. GRIGGS,  
"Attorney-General."

Place yourself in communication with said United States attorney at the earliest practicable date, if you deem this course necessary at the present time, and supply him with such information as he may call for.

Very respectfully,

W. A. JONES, *Commissioner.*

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LAW OFFICE OF SHUNK & HUGHES,  
*Pierre, S. Dak., March 23, 1898.*

The COMMISSIONER OF INDIAN AFFAIRS,

*Washington, D. C.*

MY DEAR SIR: We have the honor to acknowledge the receipt of your letter in re "R" brand of horses; also your telegram. While the honorable examiner is at Cheyenne we will try to have him make some examination of the facts as to the "R" horses and report them to you.

Very truly, yours,

SHUNK & HUGHES.

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LAW OFFICE OF SHUNK & HUGHES,  
*Pierre, S. Dak., April 6, 1898.*

Hon. W. S. JONES,

*Commissioner of Indian Affairs, Washington, D. C.*

MY DEAR SIR: We are in receipt of your letter stating that further investigation would be made in regard to the "R" brand of horses. When final decision is reached, may we ask, on behalf of Mrs. Rousseau, that we, as her attorneys, be informed of the result.

We have the honor to be, very truly, yours.

SHUNK & HUGHES.

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UNITED STATES DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
*Washington, D. C., ———, ———.*

The SECRETARY OF THE INTERIOR.

SIR: Referring to previous correspondence regarding the alleged prevalence of glanders among the "R" brand of horses on the Cheyenne River Indian Reservation, S. Dak., I have the honor to forward herewith a report of the inspector of this Department, Dr. Robert H. Treacy, and the veterinary surgeon detailed by the War Department to assist in making this examination, for such action as you may deem advisable.

Very respectfully,

JAMES WILSON, *Secretary.*

FORT YATES, N. DAK., April 4, 1898.

THE SECRETARY OF THE INTERIOR,  
Washington, D. C.

SIR: In compliance with instructions received through the Departments of War and Agriculture, we have the honor to report that we met at the Cheyenne River Indian Agency on March 17 and proceeded to the Rousseau ranch, 40 miles south of that point on the Cheyenne River, where the "R" brand of horses are located. We expected to find the brand still closely herded here, as they previously had been, to await our examination, but were informed that they had scattered into small bands covering a territory of over 50 miles square. With the assistance of some Indian police and Rousseau's employees we had them rounded up and corralled as found by the riders daily, amounting in all to 376 head. These are all that could be found and, from the most reliable information we could get, we believe that not more than 50 others exist. It was extremely difficult to gather these horses on account of previous examinations, killing of the leaders, etc., which caused the breaking up of herds into small bunches in a rough, broken country of the "Bad Land" variety, consequently very difficult to find.

These horses, being range bred, were very wild, and while all seemed perfectly free from any disease, to comply strictly with instructions we had over 300 head roped by the front feet and thrown, critically examined, and marked with scissors brand. The ones not thrown were mares about to foal. We considered it an injustice to the owner, as well as inhumane, to subject them to such violence, having satisfied ourselves that there was no evidence of disease. Out of the 300 cast and examined 24 head were selected for the mallein test, consisting of all ages and animals that had been previously condemned by Doctor Elliott. Out of this number tested by mallein but 3 showed any reaction, these being low-conditioned saddle animals confined in a small log stable during test with but poor forage and showing not even infinitesimal external evidence of a glandular nature (vide mallein forms marked "C," "D," and "E"). One, and the only one, that showed positive signs of glanders was an unbranded 5-months-old colt, which showed superficial symptoms of acute glanders and which, we were informed, with its dam, had affiliated with neighboring Indian horses, two of which were condemned for chronic glanders by veterinarians that had preceded us, viz, Doctors Karn, South Dakota; Treacy, of Fort Meade, and Dalton, of Chicago.

This colt and its dam, a roan mare 7 years old, we had isolated and applied the mallein test, without reaction in either case (vide mallein forms A and B). We afterwards destroyed the colt for post-mortem examination, and portions of the deceased tissue and pus are herewith submitted for microscopical examination by the Bureau of Animal Industry. The septum nasi was almost completely eaten away, but the lungs showed little, if any, appearance of glanders. The dam had a slight, clear mucous discharge from the left nostril, without other symptoms. This mare was very wild and fought hard every time she was cast, as she had to be at each examination. Her temperature varied some, but nothing more than was consistent with her condition at the time, owing to a state of excitement and exhaustion.

In undoubtedly sound horses we found a decidedly marked increase of temperature when the operation of catching and casting was protracted unusually. For instance, the first horse caught and cast out of bunch in corral in the morning would register normal temperature, the second would show a slight increase, and so on, till the last of the band caught in the evening has sometimes registered as high as 104.8, though undoubtedly free from disease. The territory over which the "R" brand range, commingling with upward of 4,000 or 5,000 horses of other brands and owners, extends from the Mereau River and its tributaries on the north to the Cheyenne River and its tributaries on the south; bounded on the east by the Missouri River and extending westward almost indefinitely; and as we have no doubt that glanders exists to a great extent among the numerous horses mentioned on the Cheyenne River Indian Reservation, we would earnestly recommend that later in the season (about the middle or end of June), when the grass is good and the mares have foaled, and the usual distemper among colts has passed away, all horses within the reservation be thoroughly rounded up and that we be authorized to employ a few expert riders and ropers, examine all horses so rounded up at different points, and destroy all found affected with glanders.

This is the only radical means we know of of eradicating this disease and doing justice not only to the residents of the Indian reservation, but to the State

of South Dakota. This examination might be extended to the Standing Rock Reservation, where glanders has been detected by one of us (Corcoran) from time to time. Believing that you require a full report and an expression of opinion on the reports of preceding veterinarians employed by the Indian agent at Cheyenne River Reservation, we have the honor to respectfully state that, having read Doctor Elliot's report and sweeping recommendation for the destruction of all the "R" brand horses, it is evidenced to us by the condition in which we found them, by the information we had from reliable employees, unprejudiced and impartial in the matter, and by the letter of one Doctor Karns, respectfully submitted, acknowledging himself both cowardly and untruthful, we have come to the conclusion that neither one was, to say the least, reliable; and indications of a pernicious persecution pervade this whole matter.

We think it but just to mention that we were earnestly and energetically assisted in our investigations by Mr. J. K. Seckler, assistant farmer, Cheyenne Agency; by Mr. J. H. Sage, Okobogo, S. Dak., as well as by the Rousseau family and their employees.

Trusting that this report will be considered satisfactory by the Department, we have the honor to be,

Very respectfully,

RICHARD B. CORCORAN,  
*Veterinarian, Eighth Cavalry, U. S. Army.*

ROBT. H. TREACY,  
*Veterinarian, Bureau Animal Industry.*

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WEBSTER, S. DAK., *February 5, 1898.*

MR. J. K. SECKLER,  
*Cheyenne River Agency, S. Dak.*

DEAR SIR: No doubt you will imagine I have quite forgotten the kindness paid to me while on the reserve by you and Mrs. Seckler, but such is not the case; it has been merely a matter (as you might say) of neglect, and trust you will pardon. As in regard to Mr. Rousseau's horses, I could not help but send in the report I did, which no doubt you have heard ere this. In the first place, from local observation you know that from first sight the appearance of the horses were favorable, and probably I used a little deceit, which I know was not right, and after taking the temperature I found that I had got into a nest, and policy, I thought, was the better valor. My report was, "The horses belonging to Mr. R. Rousseau and branded with the 'R' brand I diagnose as glandered." I made five different tests of the serum I brought back with me, and in every case it proved to be glanders. I have all my slides belonging to the tests, which have undergone the microscopic examination. I took a field mouse and injected some of the serum into his body and he died in twenty-four hours; then took the serum from the viscera of the same mouse and made an examination of the same and still found glanders, so I think I am justified in sending in my report as I have done. Well, I must close, as it is midnight, and trust that you are all well. With best respects to the family and yourself, and hoping to hear from you in the near future, I remain,

Respectfully, yours,

L. C. KARN.

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COMMITTEE ON INDIAN AFFAIRS,  
UNITED STATES SENATE,  
*Washington, D. C., April 20, 1898.*

HON. WILLIAM A. JONES,  
*Commissioner Indian Affairs, Washington, D. C.*

DEAR SIR: Will you please send me a copy of all reports received at your office in relation to glandered horses on the Cheyenne River Indian Reservation, S. Dak., particularly the report of the State veterinarian of North Dakota, and also of the veterinarian from Fort Yates?

Yours, respectfully,

R. F. PETTIGREW.

## CLAIM OF ESTHER ROUSSEAU.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, April 25, 1898.

HON. R. F. PETTIGREW,  
United States Senate, City.

SIR: Agreeably with the request contained in your communication of the 20th instant, I have the honor to transmit herewith copy of report of J. W. Elliott, State veterinarian of South Dakota, dated February 4, 1898, and copy of joint report of Richard B. Corcoran, veterinarian, Eighth Cavalry, U. S. Army, and Robert H. Treacy, veterinarian, Bureau of Animal Industry, dated April 4, 1898, in relation to glandered horses on the Cheyenne River Indian Reservation, S. Dak.

Very respectfully,

W. A. JONES, *Commissioner.*

DEPARTMENT OF JUSTICE,  
Washington, D. C., May 2, 1898.

The SECRETARY OF THE INTERIOR.

SIR: In further reply to your letter of the 17th of March, I have the honor to inclose herewith, for your information, a copy of a letter of the 25th ultimo from the United States attorney for South Dakota, in which he states that he is negotiating with the attorneys for plaintiff in the suit of Esther Rousseau v. Peter Couchman, agent at the Cheyenne River Agency, growing out of the condemnation of certain horses, with a view of having the entire proceeding held up until final action is determined by the Department (of the Interior) in the premises. A copy of Department letter of the 11th of April, to which the United States attorney refers in his letter of the 25th ultimo, is also inclosed herewith.

Very respectfully,

JOHN W. GRIGGS,  
*Attorney-General.*

SIOUX FALLS, S. DAK., April 25, 1898.

HON. JOHN W. GRIGGS,  
*Attorney-General, Washington, D. C.*

DEAR SIR: Answering your favor, which reached me in the midst of the Sioux Falls term, I would have answered sooner, but am negotiating with the attorneys for the plaintiff with a view of having the entire proceedings held up until final action is determined by the Department in the premises, the attorneys stating to me that the Department had ordered a further examination.

My suggestion as to the issuance of a new order is therefore entirely unnecessary. I am satisfied I now have the matter in hand with the attorneys, so that in case the former action of the Department is affirmed I can put in an answer for Agent Couchman and proceed as if he was not in default.

Yours, respectfully,

JAS. D. ELLIOTT,  
*United States Attorney, South Dakota.*

DEPARTMENT OF JUSTICE,  
Washington, D. C., April 11, 1898.

JAMES D. ELLIOTT, Esq.,  
*United States Attorney, Sioux Falls, S. Dak.*

SIR: The Department does not fully comprehend the meaning of that portion of your second letter of the 26th ultimo in which, referring to the action instituted in a State court in South Dakota by Esther Rousseau against Peter Couchman, agent at the Cheyenne River Agency, growing out of the condemnation of certain horses, you ask whether it would not be better to "issue a new order to the agent who will doubtless qualify very soon."

You are on the ground and in a position to be better acquainted with the necessities of the case and the local public service than the Department is, and what is best to be done in the matter is left to your discretion.

Respectfully,

JOHN W. GRIGGS,  
*Attorney-General.*

SIOUX FALLS, S. DAK., *March 26, 1898.*

HON. JOHN W. GRIGGS,

*Attorney-General, Washington, D. C.*

DEAR SIR: Since writing you to-day relative to an action pending against Peter Couchman, agent at Cheyenne River Agency, by Esther Rousseau, owner of certain horses ordered to be killed by the Department, I am satisfied that the agent and the other defendants are in default and a judgment is doubtless entered, giving the plaintiff the possession of all of the horses, and also a permanent order of injunction restraining the agent from killing the horses. What is the policy of the Department? If this order is entered, shall I make an effort to open the default and interpose an answer setting up the fact that the horses were glandered, or would it not be better to issue a new order to the agent, who will doubtless qualify very soon?

I write this at this time to save delay, if the former course is desired. Of course I shall do nothing until I hear from the attorney for the plaintiff, so that I may know just what has been done.

Yours, respectfully,

J. A. ELLIOTT,

*United States Attorney, South Dakota.*ABERDEEN, S. DAK., *May 7, 1898.*

HON. W. S. JONES,

*Commissioner of Indian Affairs, Washington, D. C.*

DEAR SIR: On June 28, 1897, I had the honor to submit to your Department a report relative to the "R" brand of horses, belonging to one Rousseau, of Cheyenne Indian Agency, S. Dak. Thereafter L. C. Karn, of Webster, S. Dak., a practicing veterinarian, made an examination of said horses and confirmed my report as to the appearance of glanders among them.

It further appears that in March, 1898, Veterinarians Corcoran and Treacy examined the same herd, as claimed by them, and on April 4, 1898, made a report adversely to and positively contradicting the reports above mentioned. At this time the Department must be unable to determine the actual status of said herd, as there appears to be a conflict of opinions.

As a matter of protection to the people on the range and horse raisers generally, and as a matter of justice to the owner of said horses, it should be determined to the complete satisfaction of the Department which report can be relied upon.

In making the examination of the horses on which the above report was based I carefully preserved the proof necessary to substantiate my position fully and completely. I must say that the report of Doctors Corcoran and Treacy was based on either inability as veterinarians, biased by some outside influence, or on misleading and concocted proofs submitted to them by interested parties.

I respectfully ask that the Department determine this matter by a competent and unbiased examination, in order that justice may be done to all, especially the horse breeders of this State.

The infected animals of this herd are constantly being sold and scattered throughout the State.

Respectfully submitted.

W. J. ELLIOTT,

*State Veterinarian.*

HON. GEORGE H. BINGENHEIMER,

*United States Indian Agent, Standing Rock Agency, N. Dak.*

SIR: We are informed by the State veterinarian that the constant outbreaks of glanders in counties bordering on the reservation originate from Indian horses over which this official has no control. Will you kindly cooperate with the health officials in this matter and keep the Indian horses on said reservation until they have been examined by a health officer authorized by the Government?

WM. BAXTER,  
ALEX. MACDONALD,  
JAKOL FISCHER,*County Commissioners Emmons County, N. Dak.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, March 24, 1899.

Hon. H. C. HANSBROUGH,  
United States Senate.

SIR: I have the honor to acknowledge receipt, by your reference, of a communication from the county commissioners of Emmons County, N. Dak., relative to the existence of glanders among Indian horses of the Standing Rock Reservation, N. Dak.

In reply thereto you are advised that the matter has this day been brought to the attention of the agent in charge of said reservation, with directions that he make full investigation and report his conclusions to this office, together with such suggestions or recommendation as he may deem right and proper in the premises.

Very respectfully,

A. C. TONNER,  
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, March 25, 1899.

GEO. H. BINGENHEIMER,  
United States Indian Agent, Standing Rock, N. Dak.

SIR: I am in receipt, by reference from Hon. H. C. Hansbrough, United States Senate, of a letter, without date, of which the following is a copy, viz:

"Hon. GEORGE H. BINGENHEIMER,  
"United States Indian Agent, Standing Rock Agency, N. Dak.

"SIR: We are informed by the State veterinarian that the constant outbreaks of glanders in counties bordering on the reservation originate from Indian horses, over which this official has no control. Will you kindly cooperate with the health officials in this matter and keep the Indian horses on said reservation until they have been examined by a health officer authorized by the Government? .

"WM. BAXTER,  
"ALEX. MACDONALD,  
"JAKOL FISCHER,

"County Commissioners Emmons County, N. Dak."

In order that further consideration may be given this matter, you are directed to make full investigation into this subject and submit written report to this Office, with such suggestions or recommendation as you may deem right and proper in the premises.

Please give this your immediate attention.

Very respectfully,

A. C. TONNER,  
Acting Commissioner.

STANDING ROCK AGENCY, N. DAK., April 7, 1899.  
The COMMISSIONER OF INDIAN AFFAIRS,  
Washington, D. C.

SIR: Acknowledging receipt of office letter of the 25th ultimo, as to the existence of glanders on this reservation, I have the honor to invite attention to inclosed report of Aaron C. Wells, additional farmer in the Cannon Ball district, which district adjoins Morton County, N. Dak.; also to petitions of the county commissioners of Morton, Emmons, and Burleigh counties, which have been received at this agency bearing on the same subject.

I, however, recommend that the State veterinarian of North Dakota be allowed to make such examinations as may be deemed proper of the horses in the Cannon Ball district of this reservation and that the expense of such examinations be paid by the Government. William Mackin, of Mandan, is the State veterinarian.

Very respectfully, your obedient servant,

GEO. H. BINGENHEIMER,  
United States Indian Agent.

CANNON BALL STATION, April 5, 1899.

Maj. G. H. BINGENHEIMER,

*United States Indian Agent.*

DEAR SIR: Your letter of the 1st and 4th instant received, in regard to supposed glandered horses in the district. I had a talk with Frank Black Hawk, and I found a horse about where he said there was one, at or near Goodwood Creek, by Thomas Ashley's place, belonging to a Indian by the name of White-man. This horse is, as Black Hawk says it is, running at the nose, also running sores from the glands of the upper part of his jaw. This horse I am sure is distemper, not glanders. There is about 30 or 50 head affected in the same way, caused by overwork and poor condition, and when they get the distemper then they are turned out to rustle best they can, and they are so poor and with the distemper often cause death. With the help of police I am trying to keep close watch of this disease, not only for the benefit of the Indians, but as much for myself, as I have over 100 head running on this range. We have had this distemper every year since I have been here. Some years not so bad as other years. I have examined many of them after death and their nostrils do not show glanders. I am fairly posted on this disease, and believe that I could tell if I were to see glanders from distempers, and I have not seen any that I would call glanders so far. I will, however, continue to keep close watch of this disease and will examine more after they are dead.

Yours, respectfully,

A. C. WELLS.

APRIL 20, 1899.

THE SECRETARY OF THE INTERIOR.

SIR: Under date of February 12, 1898, this office submitted a full report to the Department relative to the alleged existence of glanders among horses on the Cheyenne River Reservation, S. Dak., the steps taken up to that time to stamp out the disease, etc., and recommended that the honorable Secretary of Agriculture and the honorable Secretary of War be requested to detail competent persons from their Departments to proceed to the Cheyenne River Agency, S. Dak., and make a rigid and careful examination of all horses stamped with the "R" brand and belonging to one Rousseau, and that the experts make full report in the matter after completion of their duties, accompanied by such recommendations as to the case might demand. A copy of said office letter is respectfully transmitted herewith for your information in the premises. Experts were subsequently detailed by the Agricultural and War Departments for this service, and their original joint report of April 4, 1898, is also transmitted herewith.

I have also the honor to inclose herewith copies of communication from the United States Indian agent at the Standing Rock Agency, N. Dak., dated April 7, 1899; also petitions from the county commissioners of Morton, Emmons, and Burleigh counties, N. Dak., relative to the alleged existence of glanders on the Standing Rock Reservation, and soliciting that an expert make a rigid examination of the horses on said reserve with a view to stamping out the disease.

The agent recommends that "the State veterinarian of North Dakota be allowed to make such examinations as may be deemed proper of the horses in the Cannon Ball district \* \* \* and that the expense of such examination be paid by the Government."

In the said joint report of Doctors Corcoran and Treacy the following appears:

"\* \* \* And as we have no doubt that glanders exists to a great extent amongst the numerous horses mentioned (the "R" brand) on the Cheyenne River Indian Reservation, we would earnestly recommend that later in the season (about the middle or end of June), when the grass is good, and mares have foaled, and the usual distemper amongst colts has passed away, all horses within the reservation be thoroughly rounded up, and that we be authorized to employ a few expert riders and ropers, examine all horses so rounded up, at different points, and destroy all found affected with glanders.

"This is the only radical means we know of eradicating this disease and doing justice not only to the residents of the Indian reservation, but the State of South Dakota. This examination might be extended to the Standing Rock Reservation, where glanders has been detected by one of us (Corcoran) from time to time \* \* \*."



In view of the fact that an injunction was secured from the court by said Rousseau when an effort was made by the agent of the Cheyenne River Agency, S. Dak., to carry out the instructions of the Department relative to the killing of all glandered horses of the "R" brand owned by Rousseau, that orders were subsequently given the agent to take no further action in the premises until further advices from the office, as the suit instituted by said Rousseau against the agent has been held up until final action is determined by the Department (as shown by original letter from the Department of Justice herewith), as claims against the Government will in all probability be presented in case glandered horses are killed, I have to respectfully recommend that the papers in the case be referred to a United States Indian inspector of the Department for full investigation, report, and recommendation in the matter of glandered horses on both the Cheyenne River and Standing Rock reservations, and that when said report, etc., shall have been received the Department give this office such instructions in the premises as may be deemed necessary with a view to entirely wiping out this disease from the two reservations mentioned.

Very respectfully,

W. A. J., *Commissioner.*

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APRIL 17, 1899.

The SECRETARY OF THE INTERIOR.

SIR: I have the honor to inclose herewith copies of communication from the United States Indian agent at the Standing Rock Agency, N. Dak., dated April 7, 1899, also petitions from the county commissioners of Morton, Emmons, and Burleigh counties, N. Dak., relative to the alleged existence of glanders on the Standing Rock Reservation, and soliciting that an expert make a rigid examination of the horses on said reserve with a view of stamping out the disease.

The agent recommends "that the State veterinarian of North Dakota be allowed to make such examination as may be deemed proper of the horses in the Cannon Ball district \* \* \* and that the expense of such examinations be paid by the Government."

I can not concur in the agent's request, but have the honor to recommend that the honorable Secretary of Agriculture be requested to detail a competent person from his Department to visit the Standing Rock Reservation, N. Dak., and make a very rigid examination of all horses on the reserve, whether belonging to the Government, the Indians, or other persons, with a view to determine whether or no glanders exists on the reserve, and that this Department be advised as to the name and address of the party so detailed.

It is also recommended that authority be granted the United States Indian agent at the Standing Rock Agency, N. Dak., to expend such sum as may be absolutely necessary in the payment of the traveling and incidental expenses that may be incurred by the person so detailed by the Agricultural Department while carrying out the orders of the Department, payment therefor to be made upon presentation of proper voucher and subvouchers (in triplicate), the original voucher to be duly sworn to. A number of blank vouchers and subvouchers are herewith transmitted for use of the person that may be detailed, subvouchers to be attached to voucher before payment is made by the agent. Settlement to be made from appropriation "Support of Sioux, different tribes, subsistence and civilization, 1899."

It is further recommended that authority be granted said agent to destroy, in the most humane manner, all horses that are found to be suffering from glanders, after examination by said Government expert, whether said horses are the property of the Government, the Indians, or others residing on the reservation; provided, however, that no promise whatever be made as to compensation for stock so destroyed, this course being deemed absolutely necessary in order that the disease, if found to exist, may be thoroughly wiped out.

Very respectfully,

W. A. J., *Commissioner.*

FEBRUARY 12, 1898.

## The SECRETARY OF THE INTERIOR.

SIR: Under date of December 17, 1897, the Department granted authority for the United States Indian agent at the Cheyenne River Agency, S. Dak., to purchase cartridges, employ labor, etc., incident to the killing and cremation of "R" brand horses on said reservation suffering from "glanders" and condemned by two competent veterinary surgeons employed by the agent under proper authority from the Department.

The agent in charge of the Cheyenne River Agency, S. Dak., subsequently took the necessary steps to carry out the directions of the Department.

Under date of January 22, 1898, Hon. R. F. Pettigrew, United States Senate, addressed the following letter to this office, viz:

"I inclose a telegram about which I telephoned you this afternoon. I asked that this order be suspended for further investigation. I know these parties and think the order should be suspended as they request. Will you please telegraph Agent Couchman to that effect?"

The telegram referred to in Senator Pettigrew's letter was from John F. Hughes, dated Pierre, S. Dak., January 21, 1898, and reads as follows:

"An order has been issued by Indian Office or Secretary Interior ordering 'R' brand of horses on Cheyenne River Agency, S. Dak., immediately killed. Client Rousseau has just heard of this order and has had no time to appear and show erroneous. Have this order suspended by wire to Major Couchman, agent Cheyenne River Agency, S. Dak., for few days to enable Rousseau to have horses further examined. Government Surgeon Tracey, at Fort Meade, S. Dak., after thorough examination, reports to Rousseau that horses are free from glanders. We have other surgeons coming and want time for examination. This can do no harm and will save to Rousseau all the property she has, worth \$25,000. Answer my expense."

In compliance with Senator Pettigrew's request the following telegram was transmitted to Agent Couchman by this Office on the 22d ultimo, viz:

"Suspend order to destroy glandered horses of 'R' brand until further orders."

The following letter was also addressed by me to Senator Pettigrew on the same date, viz:

"In compliance with your request of this date, based upon a telegram of John F. Hughes, of Pierre, S. Dak., I have telegraphed the United States Indian agent at Cheyenne River Agency, S. Dak., to suspend the destruction of glandered horses of 'R' brand until further orders. As Mr. Hughes asks that the order be suspended for a few days only, I have telegraphed Agent Couchman with the understanding that the suspension shall be for a very brief period, unless it can be clearly shown that the order is erroneous."

I now have the honor to inclose herewith copy of a letter from Messrs. Shunk & Hughes, of Pierre, S. Dak., attorneys for Mrs. Esther Rousseau, the alleged owner of the "R" brand horses ordered killed, as cited above; also copy of Mrs. Rousseau's petition, praying that said order be suspended and a further examination made of her horses, for reasons set forth therein.

I also inclose a communication from J. W. Elliott, State veterinarian for South Dakota (who made the first examination of said "R" brand, and recommending the destruction of the entire herd, which recommendation was subsequently concurred in by L. C. Karn, veterinary surgeon, who made an additional examination of said brand under authority from the Department dated October 7, 1897), setting forth fully the history of the case, and stating:

"\* \* \* In 1897 I was again called, and this time succeeded in rounding up all or nearly all of that (Rousseau) brand of horses, and after a careful and thorough examination of all those horses, with a keen sense of the responsibility involved, I was forced to the conclusion that there was nothing to do in this case but to condemn the whole 'R' brand of horses. My judgment has since been corroborated by Dr. L. C. Karn, who is a graduate of Toronto Veterinary College.

"We have tested the virus from these horses by all the different tests known to the profession, and are prepared to sustain our opinions with the best of proof at any time. There is no doubt about this disease being glanders.

"As State veterinarian I am unable to cope with this disease, as our legislature failed to make any appropriation for my office. As these horses are upon Government lands and under the jurisdiction of the United States I am unable to reach them.

"These horses are being spread all over the State, infecting the stock of all sections, and I consider it the duty of the General Government to detail some one to look after this matter, or empower me with sufficient authority to proceed.

"I shall be pleased to furnish you with any information in my possession and to cooperate with any person you may appoint for this work."

In this connection I might add that "glanders" was first discovered among horses on the Cheyenne River Reserve in 1891, and the Department has from time to time since that date authorized the agent in charge of said reservation to expend large sums of money in the employment of veterinary surgeons to examine and kill horses afflicted with said disease. It now appears that the only course left to stamp out the disease from the reservation is to destroy the entire "R" brand, as authorized by the Department.

Before taking further action in the premises, and in order that no possible injustice may be done the owner of the horses, I have to respectfully recommend that the honorable Secretary of Agriculture be requested to detail a competent person from his Department to proceed to the Cheyenne River Agency, S. Dak., and make a rigid and careful examination of all horses stamped with the "R" brand and belonging to said Rousseau; and that full report be made in the matter, with such suggestions or recommendations as may be deemed right and proper, to the end that the order for the destruction of said horses may be carried out without delay, or that same be revoked entirely.

It is further recommended that the name of the party so detailed be communicated to this Office, and that he proceed to said Agency at the very earliest possible moment.

The actual and necessary traveling expenses of the person detailed by the Department of Agriculture will be made by this Office from appropriation "Support of Sioux" different tribes, subsistence and civilization, 1898," upon presentation of proper voucher (in duplicate), with subvouchers attached thereto.

Very respectfully,

W. A. J., *Commissioner.*

MANDAN, N. DAK., *September 14, 1898.*

Hon. GEORGE H. BINGENHEIMER,

*United States Indian Agent Standing Rock Agency, N. Dak.*

SIR: We the undersigned county commissioners of the county of Morton, N. Dak., in behalf of the people of this county petition as follows: Inasmuch as this county adjoins the Standing Rock Agency, the horses belonging to the Indians residing on said agency mingle and mix with horses belonging to the settlers residing in this county; and inasmuch as the horses belonging to the Indians have in several cases been subject to a disease called "glanders" and have spread such disease among the horses belonging to the adjoining settlers; and inasmuch as our district veterinary has informed us officially that glanders do exist among the horses belonging to said Indians, we do respectfully petition and ask that said horses belonging to the Indians on the Standing Rock Agency be submitted to a rigid examination, with a view to isolate affected cases and to stop the spreading of the disease.

We desire that you take this matter up through the proper channel and have it acted upon at once and thereby give our settlers the relief asked for.

We are, respectfully,

H. H. BROWN,  
E. R. SHEPPARD,  
WM. ENGELTER,  
C. P. O'ROURKE,  
D. L. FOUST,

*Board of County Commissioners Morton County, N. Dak.*

HON. GEORGE H. BINGENHEIMER,

*United States Indian Agent, Standing Rock Agency, N. Dak.*

SIR: We are informed by the State veterinarian that the constant outbreaks of glanders in counties bordering on the reservation originate from Indian horses, over which this official has no control. Will you kindly cooperate with the health officials in this matter and keep the Indian horses on said reservation until they have been examined by a health officer authorized by the Government?

HARVEY HARRIS.

G. W. JOHNSON.

GEO. A. WELCH,

*County Commissioners, Burleigh County, N. Dak.*

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DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

*Washington, April 21, 1899.*

HON. H. C. HANSBROUGH,

*United States Senate, City.*

SIR: Referring to your indorsement on petition from the county commissioners of Emmons County, N. Dak., requesting that steps be taken by the Government looking to the suppression of glanders among horses on the Standing Rock Reservation, N. Dak., you are respectfully informed that a full report has been submitted to the honorable Secretary of the Interior relative to the existence of glanders on the Cheyenne River and Standing Rock reservations, with the request that a United States Indian inspector of the Department make a full investigation, report, and recommendation on the subject, and that when said report, etc., shall have been received this Office be given such instructions in the premises as may be deemed necessary, with a view to having said disease entirely wiped out from said reservations.

Very respectfully,

W. A. JONES, *Commissioner.*

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ABERDEEN, S. DAK., *August 22, 1899.*

HON. W. A. JONES,

*Commissioner Indian Affairs, Washington, D. C.*

DEAR SIR: I hand you herewith a letter addressed to me by Dr. F. H. Files, Sioux Falls, S. Dak., president State board of health, which letter fully explains itself. Personally I am not familiar with the latitude open to your Bureau in such matters, but the glandered stock in the vicinity mentioned has long been a great source of annoyance and expense to farmers, and I shall be glad to have you take any steps within your power to ascertain whether there are, in fact, glandered horses on the Cheyenne River Agency Reservation, and, if possible, stamp out the disease if found to exist.

Respectfully,

JAMES H. KYLE.

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BANGOR, S. DAK., *July 19, 1899.*

PRESIDENT STATE BOARD OF HEALTH.

*Pierre, S. Dak.*

SIR: In the last year the loss to the taxpayers for the inspection and final disposition of glandered horses has amounted to many hundreds of dollars, and this does not take into account the losses to the unfortunate owners of the animals, and there is very good reason to believe that the disease prevalent in this county can be traced to infection by horses from the great Sioux Reservation in every case.

In fact, there has not been a single case in the eastern side of the county, which is farthest removed from the Missouri River and the reservation.

The loss to the county of Walworth is a very serious matter, and we take the liberty of suggesting to your honorable board that the General Government be requested to cause an inspection of the condition of the horses kept by the Sioux Indians and something done to protect the counties bordering upon the reservation from losses they are unable to bear.

During the winter months there is free intercourse between the reservation and the east side of the river by means of the ice bridge, and the river counties are never without the disease.

It has prevailed along the river in this county since the year 1883 to the personal knowledge of the writer, at which time there were bands of Indian horses kept on this side of the Missouri.

Very respectfully,

W. H. BURNS, *President,*  
*Walworth County, S. Dak.*

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SIoux FALLS, S. DAK., *August 15, 1899.*

State board of health of South Dakota in regular session assembled.

Whereas reports have frequently reached this board of health from county boards of health adjacent to the Indian reservations in the State of South Dakota that some contagious disease, supposed to be glanders, has for some time afflicted the horses in that locality, and that it is claimed to have been communicated by the horses belonging to the said Indians, and the same being the cause of great financial loss to the people of that community, we, the board of health, do hereby request the Indian Bureau at Washington to investigate this matter at the expense of the Government.

FREDERIC H. FILES, *President.*

A. E. CLOUGH, *Secretary.*

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STATE BOARD OF HEALTH,  
*Sioux Falls, S. Dak., August 21, 1899.*

Hon. J. H. KYLE, *Sioux Falls, S. Dak.*

MY DEAR SIR: Please find inclosed correspondence from the superintendent of Walworth County board of health, South Dakota. I also transmit to you a copy of the action of the State board of health in re the subject considered in these communications.

The State board of health have no way to investigate or stamp out the disease of glanders in unorganized counties on the Sioux Reservation, neither are there any funds in the possession of the State board of health to prosecute this work. The information received by this board does not state specifically upon what Indian reservations the disease of glanders is prevalent. It is quite possible that it may infect roving herds of horses.

It occurs to this board that this is a matter of importance to the General Government, and for this reason this communication is addressed to you with the expressed wish that you refer it to the proper Department at Washington, with your recommendation that the Government take such steps as it may deem necessary to investigate the question of the existence of glanders on the reservations west of the Missouri River. This board will cooperate with the Government in every way possible, and, should the Government request it, will undertake to furnish more definite information as to the localities affected with this disease.

Very respectfully, yours,

F. H. FILES,  
*Superintendent State Board of Health.*

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*Proceedings of the county board of health for Walworth County, S. Dak.*

The board met as per call by the president on this 10th day of July, A. D. 1899. Present: W. H. Burns, president; Dr. H. R. Gunderman, superintendent, and Dr. A. Beil, vice-president.

Dr. H. R. Gunderman stated to the board that it had been reported to him that a certain horse in the possession of John Morris, of Walworth County, then temporarily absent from the county, was affected with a disease resembling glanders. State veterinarian, Doctor Elliott, being called from Aberdeen, examined the horse on or about May 22, and found the animal free from glanders. Doctor Elliott also examined a horse belonging to Mr. Hilde, of Walworth County, the horse being likewise reported to be affected with glanders, and found the same also free from contagious disease.

It was moved and seconded that the action of the superintendent be approved by the board.

Dr. H. R. Gunderman reported further that on the 5th day of June, 1899, a horse was brought to Bangor, Walworth County, S. Dak., by Louis Larson, of said county and State. Suspicions existing that this horse was affected with glanders, the animal was kept under quarantine and examined under supervision of J. P. Foster, of Bangor, S. Dak., as to the existence of the disease, Mr. Foster making use of the mallein test, and Mr. Larson agreeing to accept Mr. Foster's opinion as final and to destroy the animal if found diseased as stated, holding the county blameless in the matter whatever the result might be. The horse was found affected with glanders and the animal was ordered to be killed and the carcass destroyed by fire.

Upon motion the action of the superintendent in this matter was approved by the entire board.

Dr. H. R. Gundermann reported further that on the 6th day of July, 1899, Louis Larson, of Walworth County, S. Dak., reported to him that he had lost during the last year six animals by disease, presumably glanders in every case; that he had now nine horses left, some of which he believed to be affected with the same disease in a latent form at present. Mr. Larson's signing an agreement to the same effect as before, the same test was applied, with the result that out of nine horses four were found to be affected as supposed, two were pronounced to be suspicious and subjects for a further examination later on, and three horses were found to be free from contagious disease.

Upon motion the board approved the subsequent action of the superintendent to the effect of the destruction of the four animals diseased, the keeping under quarantine of the suspicious animals, and the consuming by fire of the stable of Louis Larson wherein the diseased animals had been kept, this stable being a public danger to animals as well as to human beings.

It was further moved and carried that the State board of health of South Dakota be requested to take such action as would cause a careful inspection of the horses kept by Indians on the great Sioux Reservation as a protection to the owners of horses in the counties bordering on the said great Sioux Reservation and throughout the State of South Dakota against glanders and other infectious diseases of animals, the counties bordering on this reservation meeting with great losses on account of the prevalence of glanders and because in every case almost the starting point of this disease can be traced to horses coming from the reservation.

Moved and seconded to have the meeting of the board published in both papers in the county.

W. H. BURNS,  
*President County Board of Health.*

H. R. GUNDERMANN, M. D.,  
*Superintendent County Board of Health for Walworth County, S. Dak.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, September 19, 1899.*

HON. JAMES H. KYLE, *Aberdeen, S. Dak.*

SIR: I have the honor to acknowledge receipt of your letter of August 22, inclosing correspondence between members of the South Dakota board of health relative to glanders stock in the vicinity of Cheyenne River Reservation, and in reply will state that the matter is under investigation, and if the disease is found to exist proper action will be taken to stamp it out.

Very respectfully,

A. C. TONNER,  
*Acting Commissioner.*

ABERDEEN, S. DAK., *September 23, 1899.*

HON. W. A. JONES,  
*Commissioner of Indian Affairs, Washington, D. C.*

MY DEAR SIR: Referring to my letter to you under date of August 22, 1899, allow me to say that I am in receipt of an inquiry from Dr. F. H. Files, asking what, if any, action you found it possible to take in relation to "glandered

horses," alleged to be on the Cheyenne Indian Reservation. As yet I have no reply or acknowledgment of my communication; therefore am unable to advise the chairman State board of health. Did you find it possible to take action; if so, what was or will be done?

Respectfully,

JAMES H. KYLE.

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, September 30, 1899.

Hon. J. H. KYLE, Aberdeen, S. Dak.

SIR: I have the honor to acknowledge receipt of your letter of the 23d instant, relative to glandered horses alleged to be on the Cheyenne River Reservation, about which you made inquiry under date of August 22.

In reply you are advised that as yet the honorable Secretary of the Interior has not received the report of Inspector Tinker, who was detailed to investigate the matter, but is expecting it every day. As soon as said report is received in this Office from the Department I will advise you of the proposed steps to be taken in the matter.

Very respectfully,

A. C. TONNER,  
Acting Commissioner.

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CHEYENNE RIVER AGENCY, S. DAK.,  
September 30, 1899.

THE SECRETARY OF THE INTERIOR.

SIR: According to instructions contained in your communication of June 26, 1899, I have the honor to submit my report and recommendations relating to horses alleged to be suffering from glanders at the Standing Rock and Cheyenne River reservations, S. Dak., which I trust will prove satisfactory.

I have also forwarded you this day under separate cover a box containing slides to be examined under a microscope which are supposed to show the glanderous bacilli.

Very respectfully,

ARTHUR M. TINKER,  
United States Indian Inspector.

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CHEYENNE RIVER AGENCY, S. DAK., September 30, 1899.

THE SECRETARY OF THE INTERIOR.

SIR: According to instructions contained in your communication of June 26, 1899, I have the honor to report the result of my investigation of horses at the Standing Rock Reservation and of those branded "R," owned by Mrs. Esther Rousseau, of the Cheyenne River Reservation, said to be suffering with glanders.

The Rousseau home ranch is located about 45 miles from the Cheyenne River Agency, on the Cheyenne River. Most of the horses owned by Mrs. Esther Rousseau (branded "R") are wild range horses, much wilder than the average range stock. The alleged reason for their being so wild is that they have been rounded up, roped, and thrown by veterinary surgeons so often and so many of them and their leaders shot, many killed, and some wounded on the open prairie that upon the approach of a person they start at once to get out of the way. They roam in small bands, much smaller than they did before so many of them were killed, and are scattered over a very large section of country.

As it would require some time to get them together, Mr. Rousseau came to the agency and requested that ample notice be given him to round them all up to enable me to inspect them and report on their condition. It was mutually agreed that after I had concluded my investigation and made my report of the affairs of this agency I should go first to the Standing Rock Reservation and ascertain if there were any horses there that were suffering from glanders. To give Mr. Rousseau the desired time to get the horses together, I was to notify him the day of my departure for Standing Rock, which I did, and he was to commence to round-up their horses at that time and hold them until I reached his ranch, so I could examine them.

Upon my arrival at Standing Rock Agency I found William Mackin, veterinarian for the sixth veterinary district, North Dakota, who was there vaccinating cattle for "blackleg." He, being very desirous to know if glanders did exist among the horses of the reservation, administered the mallein test to several animals that showed unmistakable symptoms of glanders and one that appeared to be free from the disease to show the Indians present the effect the mallein test would have on a horse suffering from glanders and one free from the disease.

Doctor Mackin fully understood that I had no authority to employ him and could not promise that the Department would pay him for the tests made, but I told him I would certify on honor that he had rendered the service his bill called for, which I did, and he must depend upon the liberality of the Department to pay his account.

The commandant at Fort Yates, Captain Tutherly, First Cavalry, U. S. Army, also being very much interested, very kindly instructed Charles E. MacDonald, assistant surgeon, U. S. Army, to render what assistance possible. To him I am indebted for the slides which accompany this report; they show the glanderous bacilli when placed under a microscope; they were not made from cultures, but from the mucus obtained from the nostril of each animal given the mallein test.

The bacilli mallei reproduces rapidly on boiled potatoes in an incubator at a temperature of 36° C. and given a most typical growth. Eight cultures were developed, with no failure of any case.

I was informed by several Indians while examining the horses at the Cannon Ball substation that Ormon Wells, a mixed blood, had taken a number of horses that were discharging mucus and blood from their nostrils and had farcy buds and were in the same condition as those that were being examined and had taken them either to the Crow Creek Agency, S. Dak., or to Oklahoma. Some of them died before they could be driven beyond the limits of the reservation.

Below please find a copy of a notice sent to several parties by W. C. Langdon, chief State veterinarian of North Dakota.

This copy was furnished me by William Mackin, veterinarian for the sixth veterinary district, North Dakota, which would indicate that there were horses owned near the Standing Rock Reservation that were suffering from glanders.

OFFICE OF CHIEF STATE VETERINARIAN,  
*Fargo, N. Dak., September 7, 1899.*

Messrs. H. B. SCHAFFNER, J. CRAMLEY, F. M. SMITH, E. HUGHES, J. MICKLER, KEOGH BROTHERS, J. HERNDON, G. WEAGIE, D. JOZLER, *Broncho, N. Dak.*; G. HENDERSON, *Hazen, N. Dak.*; KBANTZ & LEUTZ, *Hebron, N. Dak.*:

Your horses and colts, running on their various ranges, are reported to this office as having been exposed to glanders. It will therefore be necessary to have them examined by the district State veterinarian of your district, and such other district State veterinarian or veterinarians as he may deem it necessary and expedient to call into consultation.

In order that this examination may be properly conducted, it will be necessary to build suitable chutes and corrals where all such suspected horses and colts may be secured.

You are hereby ordered to proceed at once, either jointly or separately, to erect said chutes and corrals.

You are also ordered, as soon as said chutes and corrals are ready, to round-up your various herds and stocks of horses and colts in these corrals, serving due notice upon the district State veterinarian of the time when such round-up will be completed, that he may be in readiness to make the necessary examination.

Until such examination is made, and as long thereafter as may be deemed requisite and necessary, all such herds and stocks of horses and colts must remain in a state of quarantine on these ranges situated (here given description of ranges—i. e., total boundaries), and until discharged from quarantine by the chief State veterinarian or by the district State veterinarian no animals in these herds or stocks of horses and colts must be sold or disposed of.

W. C. LANGDON,  
*Chief State Veterinarian.*

The two horses owned by William Whitesell (Frank and John) were given the mallein test at the agency (a record of their test see below), also a horse owned by an Indian who resides near the farm school (no record was kept of



the condition of this animal). The Indian horse was badly spotted with what appeared to be farcy buds, but they were all healed up; there was no discharge from them or from the nose; he showed no marked change of temperature after the mallein had been injected; the local swelling on the neck was not large, but his neck and shoulders were quite sore for twenty-four hours or more.

Doctor Mackin examined his mallein after he had injected some into the Indian horse and found that that bottle was old, and after being shaken would remain cloudy for a time; he concluded this was a bad bottle, and used no more of it; the other mallein he had would remain clear after being shaken.

Doctor Mackin was of the opinion that the Indian horse was suffering from chronic farcy.

All the other tests were made at the substation, Cannon Ball district.

By order of the agent, Mr. Wells, the farmer in charge had from 50 to 75 horses of all ages rounded up; most of them discharged considerable mucus from the nostrils; some were bleeding from the nose; others showed farcy buds; several had hard lumps under the jaws; a few appeared to be sound; a few of them were selected to apply the mallein test; the result of the tests made will be found below.

Horse "Frank," owned by William Whitesell, residence about 15 miles from the Oak Creek substation and about 25 miles from the agency. The horse reached the agency between 2 and 3 p. m., September 8; was quite warm at time of arrival. Temperature at 4 p. m., September 8, 102; 10 p. m., time mallein was injected, 100½; September 9, temperature at 4 a. m., 101; at 6 a. m., 101½; at 8 a. m., 102; at 10 a. m., 102½; at 12 m., 103; at 2 p. m., 103½; at 5 p. m., 104½; at 7 p. m., 105½; at 9 p. m., 104½. Local swelling on the neck where the mallein was injected was 10 inches in diameter; was accompanied with stiffness and soreness in front for two days.

Temperature at 4 a. m., 101; at 8 a. m., 102; at 6 a. m., 101½; at 10 a. m., 102½; at 12 m., 103; at 2 p. m., 103½; at 5 p. m., 104½; at 7 p. m., 105½; at 9 p. m., 104½. Local swelling on the neck where the mallein was injected was 10 inches in diameter; was accompanied with stiffness and soreness in front for two days.

Horse owned by Walking Thunder. This horse put in corral September 10. Temperature at 3 p. m., September 10, 102; at 2 p. m., September 11, 104; at 7 a. m., time of injections, 100½; at 4 p. m., 103½; at 11 a. m., 102; at 6.30 p. m., 104; at 10 p. m., 103; at 12 night, 102½; at 2 p. m., September 12, 102½. Local swelling appeared on neck at 11 a. m., September 11; at 2 p. m. the swelling was 9 inches in diameter; swelling hard and painful. The animal moved with tenderness and stiffness.

Horse owned by Moccasin Necklace. The horse was put in the corral September 10. Temperature at 3 p. m., September 10, 102; at 7 a. m., September 11, time of injection, 98; at 11 a. m., 101½; at 2 p. m., 103½; at 4 p. m., 104; at 6.30 p. m., 105; at 10 p. m., 104½; at 12 night, 104; at 2 p. m., September 12, 102½. Local swelling appeared on neck at 11 a. m., September 11; at 2 p. m. the swelling was 8 inches in diameter; it was hard and painful. The animal moved with tenderness and stiffness.

Horse owned by Strong Heart. The horse was put in the corral September 10. Temperature at 3 p. m., September 10, 101½; at 7 a. m., September 11, time of injection, 98; at 11 a. m., 103½; at 2 p. m., 104½; at 4 p. m., 104½; at 10 p. m., 104; at 6.30 p. m., 104; at 12 night, 103½; at 2 p. m., September 12, 102½. Local swelling appeared on neck at 11 a. m., September 11; at 2 p. m. the local swelling was 9 inches in diameter; swelling hard and painful. The animal moved with tenderness and stiffness.

Horse owned by Mrs. Pantaloon. The horse was put in the corral September 10. Temperature at 3 p. m., September 10, 100; at 7 a. m., September 11, time of injection, 100; at 11 a. m., 101; at 2 p. m., 104; at 4 p. m., 104½; at 6.30 p. m., 104½; at 10 p. m., 104; at 12 night, September 12, 103; at 2 p. m., 102. Local swelling appeared on neck at 11 a. m., September 11; at 2 p. m. the local swelling was 9 inches in diameter; swelling was hard and painful; the animal moved with tenderness and stiffness.

Mare owned by Turn Back. The mare was put in the corral September 10. Temperature at 3 p. m., September 10, 102; at 7 a. m., September 11, time of injection, 100; at 11 a. m., 103; at 2 p. m., 104; at 4 p. m., 104; at 6.30 p. m., 104; at 10 p. m., 104½; at 12 night, 103½; at 2 p. m., September 12, 102½. Local swelling appeared on neck at 11 a. m., September 11; at 2 p. m. the local swelling was 10 inches in diameter; swelling hard and painful. The animal moved

with great tenderness and stiffness. This mare has a chronic case of glanders; she has a colt by her side which also has the glanders.

This animal was brought to this reservation about one year ago from Fort Peck. She must have had the glanders before she came to this reservation. Her condition would indicate that glanders exists at that reservation.

Horse owned by Red Bull. This horse was put into the corral September 10. He showed no symptoms of glanders. The mallein was injected to show the persons present the action of the mallein upon sound horses. Temperature at 3 p. m. September 10, 101 $\frac{1}{4}$ ; at 7 a. m. September 11, time of injection, 98; at 11 a. m., 101; at 2 p. m., 101; at 4 p. m., 101; at 6.30 p. m., 100; at 10 p. m., 100; at 12 night, 98; at 2 p. m., September 12, 100. Local swelling appeared on neck at 11 a. m. September 11; at 2 p. m. local swelling was 4 inches in diameter; September 12 at 2 p. m. local swelling on neck had nearly all disappeared.

There were a number of other horses among those that had been rounded up at the Cannon Ball substation that were in about the same condition as those tested with the mallein test, but I thought we had subjects enough to demonstrate that there were a large number of horses on the reservation that had the glanders.

After my return from Standing Rock Agency I went to the Rousseau ranch.

Mr. Rousseau informed me that the fall before the veterinary surgeons began to shoot the horses branded "R" he rounded up 864 horses. Since that time he has never been able to round up 400 horses bearing their brand. All the range horses, saddle horses, and work animals put into the corral for me to inspect were 332 branded "R" or "R-." There were 13 other horses rounded up with them bearing various brands, making a total of 345 horses. This may or may not be all the horses they own or bear their brand.

All the horses I saw were very wild, but they were all fat, in good condition, and seemed to be healthy. None of them were running at the nose; neither did any of them have farcy buttons. All appeared to be sound horses and showed no signs of having the glanders or any other disease.

I saw four animals that had been shot by the Indian police by order of the veterinary surgeon; one was a gray horse, 7 years old; he was shot through the right hip, but managed to get away before he was killed; his wound healed up and he seems to be sound.

A gray mare was shot through the rump, the ball ranged along her side almost the whole length of her body; she escaped and recovered; she has no discharge from the nose or farcy buttons and appears to be free from glanders or any other disease.

One 3-year-old colt was shot under the neck, the ball came out through the hip; the ball cut the base of the tongue in such a manner that the tongue hangs out of its mouth all the time; he managed to get away and recovered; he shows no symptoms of any disease.

A gray gelding was shot twice; once through the left stifle; the ball went in from in front and came out behind; the other ball went through his left hock; he broke away and recovered; it is said he was given the Mallein test by Doctor Treacy, of Fort Meade, and Doctor Dalton, of Chicago, and showed no symptoms of glanders.

Mrs. Paradis had a number of horses killed at the time so many of the Rousseau horses were shot, as did several other parties whose stock ranged with those branded "R." Mr. Paradis rounded up their animals, put them in a corral, and requested me to look them over. I examined them to the best of my ability. There were 106 range animals, 61 work and saddle horses branded with Mrs. Paradis's brand, and 7 horses with other brands; total, 174. The only animal that did not appear to be in perfect health was a colt that was following its dam. It seemed to have distemper.

I do not pretend to know much of anything regarding diseases that horses are heir to. I never saw a horse that I thought had the glanders or farcy until my recent visit to the Standing Rock Reservation, but I am perfectly satisfied that there are a large number of horses that have glanders and farcy at various points on the Standing Rock Reservation and on the northern border of the Cheyenne River Reservation in the vicinity of the Moreau River. I do not think it prevails in the latter section to the alarming extent that it does in the former. Something should be done at once to stop this disease from spreading to parts of the reservations where it does not at this time exist.

As regards the Rousseau horses branded "R and R-" and the horses that graze on the range with them in the Cheyenne River country, I do not consider that I am expert enough to determine whether they have the glanders or not; they all

appear to be healthy, still they may be suffering with glanders, and the only way it can be definitely determined is to employ some competent person with a force of good riders and ropers, round up all the horses in that section, and apply the mallein test. If such a course should be adopted, an expert should be sent from the East who is a fair man with no friends in this section to favor. Such a person would prove satisfactory to all interested parties, and would settle the question as to whether the horses in this section are infected with glanders, as has been alleged.

In view of the existing conditions I would recommend that two competent veterinary surgeons be employed; one to examine the horses at Standing Rock Reservation, the other to examine the horses at the Cheyenne River Reservation; that they have authority to employ two or three expert riders and ropers each to assist them, and that three or four Indian policemen be detailed to accompany each party to assist in herding the animals wanted.

Inclosed please find the papers forwarded me for my guidance, 11 inclosures.

Very respectfully,

ARTHUR M. TINKER,  
*United States Indian Inspector.*

STANDING ROCK AGENCY, N. DAK., April 7, 1899.

The COMMISSIONER OF INDIAN AFFAIRS,

*Washington, D. C.*

SIR: Acknowledging receipt of office letter of the 25th ultimo as to the existence of glanders on this reservation, I have the honor to invite attention to inclosed report of Aaron C. Wells, additional farmer in the Cannon Ball district, which district adjoins Morton County, N. Dak.; also to petitions of the county commissioners of Morton, Emmons, and Burleigh counties, which have been received at this agency, bearing on the same subject.

I, however, recommend that the State veterinarian of North Dakota be allowed to make such examinations as may be deemed proper of the horses in the Cannon Ball district of this reservation, and that the expense of such examinations be paid by the Government. William Mackin, of Mandan, is the State veterinarian.

Very respectfully, your obedient servant,

GEO. H. BINGENHEIMER,  
*United States Indian Agent.*

CANNON BALL STATION, April 5, 1899.

Maj. G. H. BINGENHEIMER,

*United States Indian Agent.*

DEAR SIR: Your letters of the 1st and 4th instant received in regard to supposed glandered horses in this district. I had a talk with Frank Black Hawk and I found a horse about where he said there was one, at or near Goodwood Creek, by Thomas Ashley's place, belonging to an Indian by the name of White Man. This horse is as Black Hawk says; it is running at the nose, also running sores from the glands of the upper part of his jaw. This horse, I am sure, has distemper, not glanders. There are about 30 or 50 head afflicted in the same way, caused by overwork and poor condition, and when they get the distemper then they are turned out to rustle best they can, and they are so poor and with the distemper often cause death. With the help of the police I am trying to keep close watch on this disease, not only for the benefit of the Indians, but as much for myself, as I have over 100 head running on this range. We have had this distemper every year since I have been here—some years not so bad as other years. I have examined many of them after death and their nostrils do not show glanders. I am fairly posted on this disease and believe that I could tell if I were to see glanders from distemper, and I have not seen any that I would call glanders so far. I will, however, continue to keep close watch of this disease and will examine more after they are dead.

Yours, respectfully,

A. C. WELLS.

Hon. GEORGE H. BINGENHEIMER,

*United States Indian Agent Standing Rock Agency, N. Dak.*

SIR: We are informed by the State veterinarian that the constant outbreaks of glanders in counties bordering on the reservation originate from Indian horses, over which this official has no control. Will you kindly cooperate with the health officials in this matter and keep the Indian horses on said reservation until they have been examined by a health officer authorized by the Government?

WM. BAXTER,  
ALEX. MACDONALD,  
JAKOL FISCHER,

*County Commissioners Emmons County, N. Dak.*

(Indorsement:) Respectfully referred to the honorable the Commissioner of Indian Affairs with the request that the matter be investigated.

H. C. HANSBROUGH.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, April 20, 1899.*

The SECRETARY OF THE INTERIOR.

SIR: Under date of February 12, 1898, this Office submitted a full report to the Department relative to the alleged existence of glanders among horses on the Cheyenne River Reservation, S. Dak., the steps taken up to that time to stamp out the disease, etc., and recommended that the honorable Secretary of Agriculture and the honorable Secretary of War be requested to detail competent persons from their Departments to proceed to the Cheyenne River Agency, S. Dak., and make a rigid and careful examination of all horses stamped with the "R" brand and belonging to one Rousseau, and that the experts make full report in the matter after completion of their duties, accompanied by such recommendations as the case might demand. A copy of said Office letter is respectfully transmitted herewith for your information in the premises. Experts were subsequently detailed by the Agricultural and War Departments for this service, and their original joint report of April 4, 1898, is also transmitted herewith.

I have also the honor to inclose herewith copies of communication from the United States Indian agent at the Standing Rock Agency, N. Dak., dated April 7, 1899; also petitions from the county commissioners of Morton, Emmons, and Burleigh counties, N. Dak., relative to the alleged existence of glanders on the Standing Rock Reservation, and soliciting that an expert make a rigid examination of the horses on said reserve with a view to stamping out the disease.

The agent recommends that "the State veterinarian of North Dakota be allowed to make such examinations as may be deemed proper of the horses in the Cannon Ball district \* \* \* and that the expense of such examination be paid by the Government."

In the said joint report of Doctors Corcoran and Treacy the following appears:

"\* \* \* and as we have no doubt that glanders exists to a great extent amongst the numerous horses mentioned (the "R" brand) on the Cheyenne River Indian Reservation, we would earnestly recommend that later in the season (about the middle or end of June), when the grass is good and mares have foaled and the usual distemper amongst colts has passed away, that all horses within the reservation be thoroughly rounded up, and that we be authorized to employ a few expert riders and ropers, examine all horses so rounded up at different points, and destroy all found affected with glanders.

"This is the only radical means we know of eradicating this disease, and doing justice not only to the residents of the Indian reservation, but the State of South Dakota. This examination might be extended to the Standing Rock Reservation, where glanders has been detected by one of us (Corcoran) from time to time \* \* \*."

In view of the fact that an injunction was secured from the court by said Rousseau when an effort was made by the agent of the Cheyenne River Agency, S. Dak., to carry out the instructions of the Department relative to the killing of all glandered horses of the "R" brand, owned by Rousseau, that orders were

subsequently given the agent to take no further action in the premises until further advices from the Office, as the suit instituted by said Rousseau against the agent has been held up until final action is determined by the Department (as shown by original letter from the Department of Justice, herewith), as claims against the Government will in all probability be presented in case glandered horses are killed. I have to respectfully recommend that the papers in the case be referred to a United States Indian inspector of the Department for full investigation, report, and recommendation in the matter of glandered horses on both the Cheyenne River and Standing Rock reservations, and that when said report, etc., shall have been received, that the Department give this Office such instructions in the premises as may be deemed necessary, with a view to entirely wiping out this disease from the two reservations mentioned.

Very respectfully,

W. A. JONES, *Commissioner*.

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BLANKS FOR RECORDING TESTS WITH MALLEIN.

Name of person making the test: Veterinarians Corcoran and Treacy.

Post-office: Cheyenne River Agency.

State: South Dakota.

Name or number of horse: Wild roan mare; age, 7 years.

History of infection: "R" brand, condemned by Elliott.

Symptoms: Clear mucous discharge from left nostril, glands clean.

Date and hour of injection: March 24, 6.30 a. m.

Temperatures day before injection (March 23): 11 a. m., 101.6; 1.30 p. m., 101.4; 3.30 p. m., 102.

Amount mallein used, 1 cubic centimeter.

Temperatures day of injection (March 24): 6.30 a. m., 99.6; 10.30 a. m., 103.6; 12.45 p. m., 100.6; 3 p. m., 101; 6.30 p. m., 102.

Temperatures day of injection (March 25): 7 a. m., 100.6; 10 a. m., 100.2; 12.30 p. m., 102; 2.30 p. m., 100.6.

Time of appearance and disappearance, size and character of local swelling, none.

Mare was very wild, had to be roped and cast at each examination; sometimes very much excited and exhausted when not thrown quick. Colt from this mare, 5 months old, showed all superficial symptoms of acute glanders. (We were informed that this colt had been running with neighboring Indian horses that had been pronounced glandered by Doctors Kern and Treacy, of Fort Meade, and Dalton, of Chicago.) It did not react with mallein test. Was destroyed and pus and part of diseased tissue forwarded to Department at Washington for final examination.

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Names of persons making the test: Veterinarians Corcoran and Treacy.

Post-office: Cheyenne River Agency.

State: South Dakota.

Name and number of horse: Black colt; age, five months.

History of infection: Running with R brand mare condemned by Doctors Elliott and Kern.

Symptoms: Submaxillary glands indurated, discharge from both nostrils, septum nasi eaten through.

Date and hour of injection: March 24, 6.30 a. m.

Temperatures day before injection (March 23): 11 a. m., 102.8; 4 p. m., 103.

Amount mallein used: 1 cubic centimeter.

Temperatures day of injection (March 24): 6.30 a. m., 101.6; 11 a. m., 101; 1 p. m., 100.8; 3 p. m., 101; 6.30 p. m., 101.6; 10 p. m., 99.2.

Temperatures day after injection (March 25): 7 a. m., 100.6; 9 a. m., 98.2; 12 m., 101.6; 1.45 p. m., 100.

Time of appearance and disappearance, size, and character of local swelling, none.

Wild colt not branded, following an "R" brand mare (said to be affiliating with the neighboring Indian horses condemned by Doctors Kern and Treacy, of Fort Meade, and Dalton, of Chicago).

This animal we destroyed March 25, and found septum nasi eaten away for about 3 inches, part of cartilage remaining inclosed in bottle and forwarded to Department of Agriculture with gland and lung tissue.

Submaxillary glands were enlarged to about the size of an egg, hard, and painful.

Small portion of right lung near the apex congested, no abscess apparent. Tissue from this portion inclosed.

Names of persons making the test: Veterinarians Corcoran and Treacy.

Post-office: Cheyenne River Agency.

State: South Dakota.

Name and number of horse: Mag; age, 12.

History of infection: Condemned by Doctors Elliot and Karn, of South Dakota.

Symptoms: General condition, poor; glands, clean; no discharge.

Date and hour of injection: March 24, 6.30 a. m.

Temperature day before injection (March 23): 9 a. m., 100.2; 11 a. m., 100.6; 1 p. m., 100; 3 p. m., 100.2.

Amount mallein used: One cubic centimeter.

Temperatures day of injection (March 24): 6.30 a. m., 99; 10.15 a. m., 100.6; 12.30 p. m., 101; 2.30 p. m., 103; 6.30 p. m., 105.6; 10 p. m., 105.

Temperatures day after injection (March 25): 6.45 a. m., 102.8; 9 a. m., 103; 12 m., 101.6; 2 p. m., 101.2.

Time of appearance and disappearance, size, and character of local swelling: Swelling appeared on Mag 6.30 p. m., 24th; painful; five-twelfths to 6 inches diameter; disappearing rapidly 2 p. m., March 25.

Name of persons making the test: Veterinarians Corcoran and Treacy.

Post-office: Cheyenne River Agency.

State: South Dakota.

Name or number of horse: Kate; age, 10 years.

History of infection: Condemned by Elliott and Kern, of South Dakota.

Symptoms: General condition, very poor; glands clean; no discharge from nostrils.

Date and hour of injection: March 24, 6.30 a. m.

Temperatures day before injection (March 23): 9 a. m., 100.2; 11 a. m., 100.6; 1 p. m., 100.4; 3 p. m., 101.

Amount mallein used: One cubic centimeter.

Temperatures day of injection (March 24): 6.30 a. m., 99; 10.15 a. m., 101; 12.30 p. m., 101.2; 2.30 p. m., 101.2; 5 p. m., 102.6; 10 p. m., 103.2.

Temperatures day after injection (March 25): 6.30 a. m., 100.4; 9 a. m., 100.4; 12 m., 99.6; 2 p. m., 99.8.

Time of appearance and disappearance, size and character of local swelling: The swelling in this case was absent; no disturbance, excepting rise of temperature.

Name of person making the test: Doctors Corcoran and Treacy.

Post-office: Cheyenne River Agency.

State: South Dakota.

Name or number of horse: Picket; age, 8.

History of infection: Condemned by Doctors Elliott and Kern, of South Dakota.

Symptoms: General condition, poor; glands, clean; nostrils, free from discharge.

Date and hour of injection: March 24, 6.30 a. m.

Temperatures day before injection (March 23): 9 a. m., 98.8; 11 a. m., 101; 1 p. m., 99.6; 3 p. m., 100.

Amount mallein used, 1 cubic centimeter.

Temperatures day of injection (March 24): 6.30 a. m., 99.2; 10.15 a. m., 103; 12.25 p. m., 102; 2.25 p. m., 102.2; 6.30 p. m., 104.4; 10 p. m., 104.6.

Temperatures day after injection (March 25): 6.30 a. m., 101.6; 9 a. m., 101.2; 12 m., 99.8; 2 p. m., 100.8.

Time of appearance and disappearance, size and character of local swelling: Appeared at 6.30 p. m. March 24; was 4 inches in diameter, painful to touch; disappeared at 2 p. m. 25th.

Name of person making the test: Veterinarians Corcoran and Treacy.

Post-office: Cheyenne River Agency.

State: South Dakota.

Name or number of horse: Bay colt; age, 2 years.

History of infection: Shot by order of Doctor Elliott, but not killed (from information received).

Symptoms: None. Bullet wound in hip suppurating.

Date and hour of injection: March 24, 6.30 a. m.

Temperatures day before injection (March 23): 9 a. m., 100.2; 11.30 a. m., 100.2; 1.30 p. m., 100.6; 3.30 p. m., 102.2.

Amount mallein used: One cubic centimeter.

Temperatures day of injection (March 24): 6.30 a. m., 100.4; 10.30 a. m., 103; 12.45 p. m., 101; 2.45 p. m., 100.8; 6.30 p. m., 102.

Temperatures day after injection (March 25): 7 a. m., 99.8; 10 a. m., 99.8; 2.30 p. m., 100.6.

Time of appearance and disappearance, size and character of local swelling: None; colt had to be roped and cast every time and could not get temperature at 10 p. m., as with the rest.

Name of person making the test: Veterinarians Corcoran and Treacy.

Post-office: Cheyenne River Agency.

State: South Dakota.

Name or number of horse: Two-year-old Curley; age, 2 years.

History of infection: Condemned to be shot with band that was killed; this colt escaped during shooting.

Symptoms: None.

Date and hour of injection: March 24, 6.30 a. m.

Temperatures day before injection (March 23): 9.30 a. m., 98.8; 11.30 a. m., 99.8; 1.30 p. m., 100.4; 3.30 p. m., 101.

Amount mallein used: 1 cubic centimeter.

Temperatures day of injection (March 24): 6.30 a. m., 99.8; 10.30 a. m., 100.2; 12.35 p. m., 100.6; 2.40 p. m., 103.6; 6.30 p. m., 101.2; 10 p. m., 102.

Temperatures day after injection (March 25): 6.30 a. m., 100.6; 9 a. m., 100.2; 12 m., 99.6; 2 p. m., 100.

Time of appearance and disappearance, size and character of local swelling: None; and this colt was unbroken, taken from the range, and had to be cast at each examination excepting last day.

Names of persons making the test: Doctors Corcoran and Treacy.

Post-office: Cheyenne River Indian Agency.

State: South Dakota.

Name or number of horse: Dan; age, 10.

History of infection: Horses condemned by Doctor Elliott, State veterinarian of South Dakota, also by Doctor Kern.

Symptoms: General condition, poor; unthrift; rendered so by hard work, lack of food.

Date and hour of injection: March 24, 6.30 a. m.

Temperatures day before injection (March 23): 9 a. m., 100.4; 11 a. m., 100.2; 1 p. m., 100.2; 3 p. m., 100.6.

Amount mallein used: One cubic centimeter.

Temperatures day of injection (March 24): 6.30 a. m., 100.6; 10.15 a. m., 100.8; 12.25 p. m., 100.6; 2.25 p. m., 102.8; 6 p. m., 105.4; 10 p. m., 105.

Temperatures day after injection (March 25): 6.30 a. m., 101.6; 9 a. m., 101.2; 12 m., 101.4; 2 p. m., 102.

Time of appearance and disappearance, size, and character of local swelling: 6 p. m., 24th; painful; slight; 3 inches in diameter; horse uneasy. Quit feeding 10 p. m., 24th. Horse feeding again and quiet; swelling same. 6.30 a. m. 25th, horse feeding well, still slight painful.

UNITED STATES SENATE,  
COMMITTEE ON PATENTS,  
Washington, D. C., December 21, 1905.

The INDIAN DEPARTMENT, Washington, D. C.

MY DEAR SIR: Inclosed find letter from Mr. J. P. Foster, State veterinarian for South Dakota, which explains itself. I have had a great many complaints from parties in our State who have been put to a great deal of trouble and expense by having shipments of horses held up, and would be very grateful to you if you will kindly furnish me the information desired by Mr. Foster, so that this restriction placed upon our horses by the authorities of other States can be removed.

Sincerely, yours,

A. B. KITTREDGE.

HURON, S. DAK., December 14, 1905.

HON. A. B. KITTREDGE. Washington, D. C.

DEAR SENATOR: I saw Mr. W. L. Shunk the other day in Pierre, and in conversation with him regarding the Rousseau matter (he was one of Mrs. Rousseau's attorneys) he told me that a friend of his in Washington, Mr. Walter S. Field, No. 620 Colorado Building, knew some of the particulars of this affair, and was in position to get copies of the papers that I wish. You have probably forgotten the particulars of the matter as I related them to you in your office in Sioux Falls, so will make a brief statement of the case. During the seasons of 1896 and 1897 about 450 head of horses were destroyed on the Cheyenne River Indian Reservation. These horses were the property of Mrs. Esther Rousseau, and it was claimed that they were suffering from glanders. This destruction of Mrs. Rousseau's property was brought about by Peter Couchman, at that time Indian agent for the above-mentioned reservation. Mrs. Rousseau contended that her horses were not glandered, and had the balance of her horses—about 600 head (the whole "R" brand had been condemned)—examined by a number of veterinarians, who were unanimous in the opinion that the horses were not affected with glanders.

Basing her claim upon the verdicts of these veterinarians, Mrs. Rousseau has put in, or attempted to put in, a claim for the 450 head of horses destroyed by the Government through Couchman. This matter was quite thoroughly discussed in the newspapers at the time, and became generally known to the authorities of the surrounding States. Since that time, and I am reliably informed, basing their actions largely on what was stated in the papers at that time, Minnesota, Wisconsin, and Iowa require certification of health for all horses shipped into these States from South Dakota. In the event of the owner or shipper failing to get this certificate of inspection at the point of shipment, for any unavoidable reason, the horses are held in quarantine for a certain length of time. All this is very annoying both for the shipper and the transportation companies. It has occurred to me that if I can get copies of the statements of the veterinarians connected with the Rousseau case that I may be able to have these regulations modified.

I want the statements of Dr. M. J. Treacy, at the time stationed with the cavalry at Fort Meade; Dr. R. B. Corcoran, at the time at Fort Yates, and Dr. R. H. Treacy, a member of the United States Bureau of Animal Industry.

I do not know just where you will find these papers; that is, just how far this claim progressed and at what stage it was dropped, providing that it has been dropped. Mr. Shunk told me that Mr. Field knew about the case and could find the papers there at Washington. Hoping that I am not putting you to too much trouble in this matter, and thanking you for past favors,

I remain, yours, truly,

J. P. FOSTER.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, February 12, 1906.

HON. A. B. KITTREDGE,

United States Senate, Washington, D. C.

SIR: I have the honor to acknowledge receipt of your letters of December 21, 1905, and January 31, 1906, asking for reports of veterinary surgeons who inspected the Rousseau herd of horses on the Cheyenne River Agency, S. Dak.,



during 1897 and 1898. I will be pleased to furnish you copies of these reports as soon as they can be written, which will be within a few days.

Very respectfully,

C. F. LARRABEE, *Acting Commissioner.*

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UNITED STATES SENATE,  
COMMITTEE ON PATENTS,  
*Washington, D. C., January 31, 1906.*

The COMMISSIONER OF INDIAN AFFAIRS.

MY DEAR MR. LEUPP: In March, 1893, the Indian agent on the Cheyenne Agency requested authority from the Department to employ a veterinary surgeon to inspect horses on the Cheyenne Agency suspected of having the glanders. This authority was granted to him, and in July, 1897, a veterinary surgeon by the name of Elliott reported to the agent that the "R" brand were infected with glanders, that he had killed quite a number, and that in his judgment it would be necessary to kill the entire herd, consisting of six or seven hundred horses. Mr. Rousseau, to whom the horses belonged, succeeded in delaying the order, and in the meantime employed a veterinary surgeon in the employ of the Government and stationed at Fort Meade, by the name of Tracy. Later, at the suggestion of the Indian agent, Mr. L. C. Karn, a veterinary surgeon, of Webster, S. Dak., was employed. As a result of all this agitation, the neighboring States of North Dakota, Minnesota, Wisconsin, Iowa, and Nebraska adopted very stringent regulations in regard to horses shipped from South Dakota into these States. It has been impossible to overcome the results, as stated above.

Doctor Foster, of Huron, S. Dak., State veterinary surgeon, writes me that if he had the testimony of the three veterinary surgeons he is confident that he could take up the matter with the adjoining States and remove the restrictions which now exist.

I will be very grateful to you if you will furnish me with this testimony, as I understand it is in the files in your Department.

This is the case which my secretary, Mr. Roberts, personally talked with you about this morning.

Sincerely, yours,

A. B. KITTREDGE.

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, February 27, 1906.*

Hon. A. B. KITTREDGE,  
*United States Senate, Washington, D. C.*

SIR: In further reply to your letter of the 31st ultimo, asking for certain reports of veterinarians, submitted during the years 1897 and 1898, on the inspection of horses on the Cheyenne River Reservation, S. Dak., suspected of having glanders, I have the honor to transmit herewith reports of the veterinarians employed, viz, Corcoran, Treacy, Karn, and Elliott.

Very respectfully,

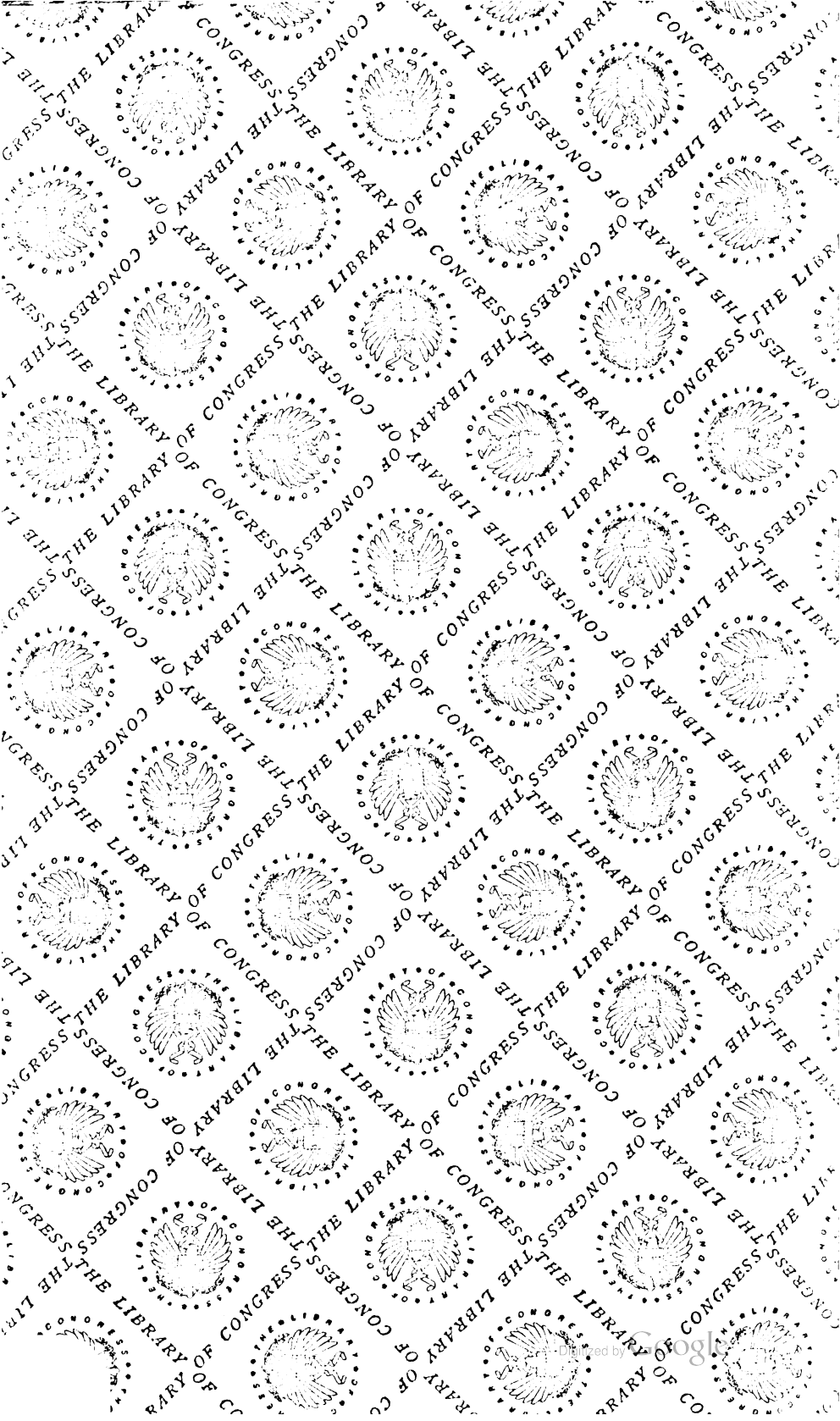
F. E. LEUPP, *Commissioner.*

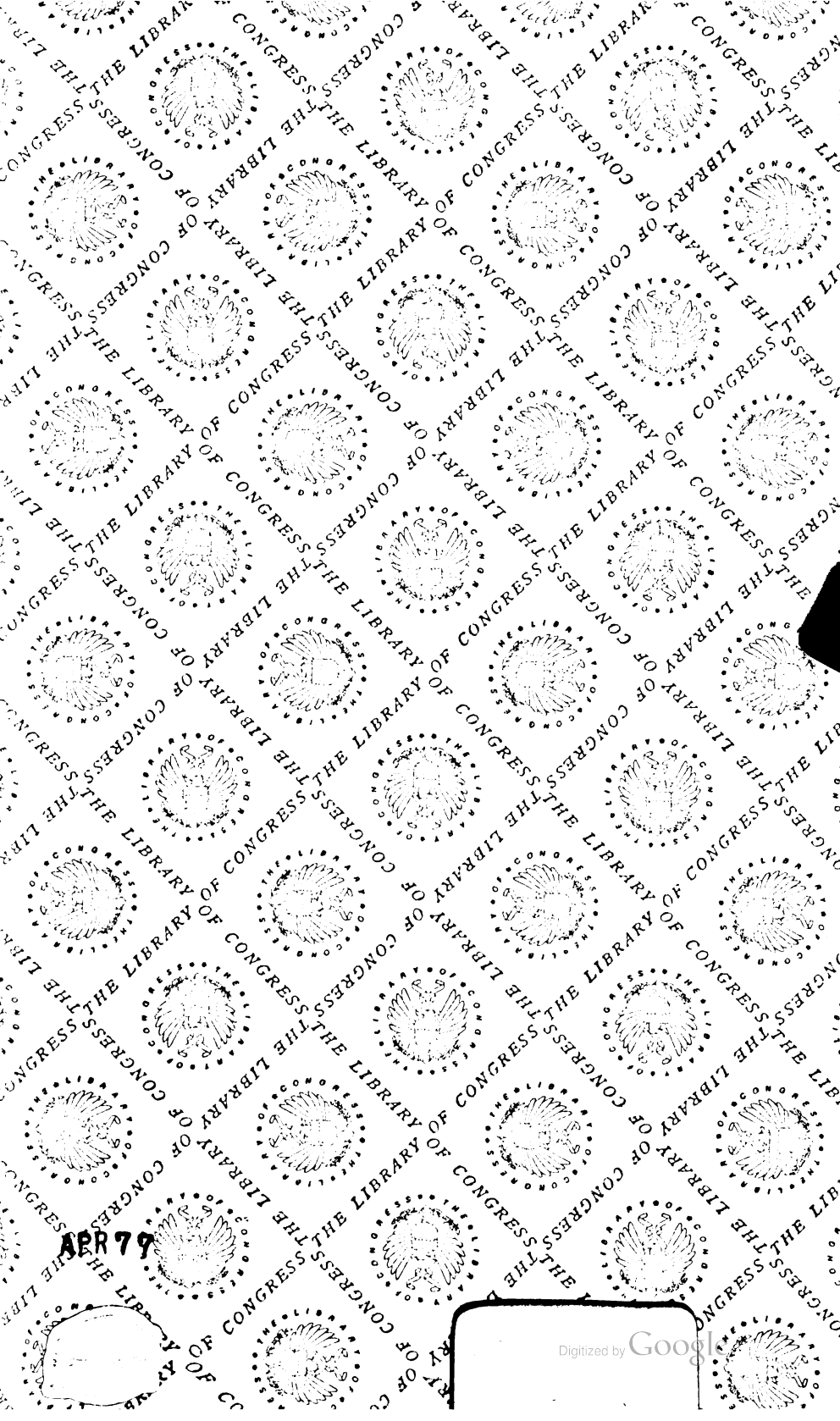
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